

**City of Miami Beach - City Commission Meeting**  
**Commission Chambers, 3rd Floor, City Hall**  
**1700 Convention Center Drive**  
**July 27, 2005**

Mayor David Dermer  
Vice-Mayor Matti Herrera Bower  
Commissioner Simon Cruz  
Commissioner Luis R. Garcia, Jr.  
Commissioner Saul Gross  
Commissioner Jose Smith  
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez  
City Attorney Murray H. Dubbin  
City Clerk Robert E. Parcher

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**ATTENTION ALL LOBBYISTS**

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

**REGULAR AGENDA**

**R5 - Ordinances**

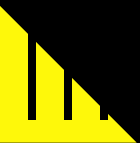
- R5A An Ordinance Amending Chapter 12, Article II Of The Code Of The City Of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, And Clarifying And Amending The Definition, Procedures And Standards Applicable To Special Events; Providing For Codification, Repealer, Severability And An Effective Date. **10:15 a.m. Second Reading, Public Hearing** (Page 232)  
(Tourism & Cultural Development)  
(First Reading on July 6, 2005)
- R5B An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcels Of Land With Street Addresses Of 2608 Biarritz Drive And 2614 Biarritz Drive, More Particularly Described In The Legal Descriptions Attached As An Exhibit Hereto From The Current GU, "Government Use," To The Proposed Zoning Classification RS-3 "Residential Single-Family District;" Providing For Codification, Repealer, Severability And An Effective Date. **10:30 a.m. First And Only Reading, Public Hearing** (Page 243)  
(Asset Management)

**R5 - Ordinances** (Continued)

- R5C An Ordinance Amending Miami Beach City Code Chapter 38 Entitled "Elections," By Creating Section 38-6 "Early Voting"; Exempting City Mayoral And Commission Elections From The Provisions Of Paragraph (1)(b) Of Section 101.657, Florida Statutes, Concerning Early Voting And Instead Authorizing A Shortened Duration For Early Voting For City Mayoral And Commission Elections; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading** (Page 252)
- (City Attorney's Office)

**R7 - Resolutions**

- R7A A Resolution Authorizing The City Manager, Or His Designee To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; Terminate Existing Contracts As Needed; From The Last Commission Meeting On July 27, 2005, Until The First Regularly Scheduled Meeting On September 8, 2005, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 8, 2005. **Joint City Commission And Redevelopment Agency** (Page 259)
- (Procurement)
- R7B A Resolution Regarding A Certain Geographic Area Within The City Of Miami Beach Called The City Center/Historic Convention Village Redevelopment And Revitalization Area, Described Generally As Being Bounded On The East By The Atlantic Ocean, On The North By 24th Street, On The West By West Avenue And On The South By 14th Lane; Confirming The Pledge For The Benefit Of All Bonds (As Defined Herein) Of Proceeds Of The Resort Tax Levied By The City To The Extent Provided In Resolution No. 94-21008 Adopted By The City On January 5, 1994; Authorizing The Issuance By The Miami Beach Redevelopment Agency Of Not To Exceed \$58,000,000 Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village), And Not To Exceed \$35,000,000 Tax Increment Revenue Refunding Bonds, Series 2005b (City Center/Historic Convention Village), In Accordance With The Requirements Of Chapter 163, Part III, Florida Statutes, As Amended; Covenantee To Provide Continuing Disclosure In Connection With Said Series 2005 Bonds In Accordance With Securities And Exchange Commission Rule 15C2-12 And Authorizing The Chief Financial Officer To Execute And Deliver An Agreement With Respect Thereto; And Authorizing Officers And Employees Of The City To Take All Necessary Actions In Connection Therewith; And Providing For An Effective Date. **10:00 a.m. Joint City Commission And Redevelopment Agency** (Page 262)
- (Finance Department)
- R7C A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2005/06; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 301)
- (Budget Department)
- (Commission Memorandum and Resolution Distributed in Separate Document)**

**R7 - Resolutions** (Continued)

- R7D A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time, And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2005/06; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page 303)  
(Budget Department)
- R7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Professional Services Agreement With EAC Consulting, Inc., In The Amount Of \$1,186,807.00, To Provide Engineering, Urban Design, And Landscape Architecture Services For Design, Bid And Award, And Construction Administration Services For The Biscayne Point Right-Of-Way Infrastructure Improvement Project; And Appropriating Said Amount From The Following Available Funding Sources: \$665,403.00 From The 1999 General Obligation Bond Funds; \$309,011.00 From The 2000 Stormwater Bonds; And \$212,393.00 From The 2000 Water And Sewer Bonds. (Page 310)  
(Capital Improvement Projects)
- R7F A Resolution Adopting The City's One-Year Action Plan For Federal Funds For Fiscal Year 2005/2006, Which Includes The Budgets For The Community Development Block Grant (CDBG) Program And The Home Investment Partnerships (Home) Program; Authorizing The City Manager To Make Minor Non-Substantive Changes To The One-Year Action Plan Or Resulting Agreements Before Execution Which May Be Identified During The Finalization And/Or Review Process, And Which Do Not Affect The Purpose, Scope, Approved Budget And/Or Intent Of The Plan; Authorizing The City Manager To Execute All Applicable Documents And Submit The One-Year Action Plan To The U.S. Department Of Housing And Urban Development (HUD); Further Authorizing The Mayor And City Clerk To Execute Agreements With Providers Of Activities As Follows: Twenty-Five (25) CDBG Sub-Recipient Agreements, And Two (2) CDBG Interdepartmental Memoranda Of Understanding; And Authorizing The Appropriation Of All Federal Funds When Received. (Page 347)  
(Neighborhood Services)
- R7G A Resolution Authorizing The Award Of A Contract To The Lowest And Best Bidder, Gablesigns And Graphics, Inc., In The Amount Of \$1,476,623.62, Pursuant To Bid No. 16-04/05 For Fabrication And Installation Of Signage Package With A Two-Year Sign Maintenance Service Agreement, In Accordance With The City Of Miami Beach Citywide Wayfinding Signage And Identity System; Approving \$137,205 For Contingencies; Approving \$61,884 For Construction Administration; And Appropriating Funds In The Amount Of \$218,726 From Fund 481 Parking Revenue Bonds Series 1997, For A Total Project Budget Of \$1,675,713.00. (Page 384)  
(Planning Department)

**R7 - Resolutions** (Continued)

- R7H A Resolution Approving And Authorizing The Mayor And City Clerk To Execute The Attached Professional Services Agreement With Calvin, Giordano & Associates, Inc., In The Amount Of \$1,250,423.00, To Provide Engineering, Urban Design, And Landscape Architecture Services For Design, Bid And Award, And Construction Administration Services For The North Shore Right-Of-Way Infrastructure Improvement Project; And Appropriating Said Amount From The Following Available Funding Sources: \$616,343.00 From The 1999 General Obligation Bond And \$634,080.00 From The 2000 Water And Sewer Bond. (Page 405)  
(Capital Improvement Projects)
- R7I A Resolution Amending Resolution No. 2004-25742, Setting The Dates For The Year 2005 Commission Meetings; Authorizing A Change In The Commission Meeting Date From Wednesday, September 7, 2005 To Thursday, September 8, 2005. **Joint City Commission and Redevelopment Agency** (Page 440)  
(City Clerk's Office)
- R7J A Resolution Approving And Officially Adopting The Basis Of Design Report (BODR) For The South Pointe Park Improvements (The Project); Authorizing The Administration To Exercise The Option, As Stated In Section 6 Of The Settlement Agreement Between The City And The Related Group For The Alaska Parcel, Dated July 28, 2004, To Design And Construct The Park Project; And Appropriating Funds, In The Amount Of \$14,130,000, From The South Pointe Redevelopment Agency For The Completion Of The Design And Construction Of The Project, \$5,000,000 Of Which Will Be Refunded By Miami-Dade County General Obligation Bond Funds When Made Available. **Joint City Commission And Redevelopment Agency** (Page 443)  
(Capital Improvement Projects)

**R9 - New Business and Commission Requests**

- R9A Board and Committee Appointments. (Page 453)  
(City Clerk's Office)
- R9A1 Nominate Mr. Jorge Kuperman To Serve On The Planning Board. (Page 459)  
(Requested by Commissioner Luis R. Garcia, Jr.)
- R9B Discussion And Report By Peter Dolara, Senior Vice President Of American Airlines, Regarding The On-Going Efforts By American Airlines To Enhance The Volume Of Visitors To Miami Beach. (Page 461)  
(Requested by Commissioner Richard L. Steinberg)
- R9C Discussion Regarding Castle Beach. (Page 463)  
(Requested by Vice-Mayor Matti Herrera Bower)



**R9 - New Business and Commission Requests** (Continued)

- R9D Discussion And Status Report Of Fire Department Yearly Inspection Of Condominiums And Other Commercial & Multi-Family Buildings For The Last Three (3) Years. (Page 465)  
(Requested by Commissioner Luis R. Garcia, Jr.)
- R9E Discussion Regarding The Realignment Of The Miami Beach Cable Channels. (Page 467)  
(Requested by Commissioner Luis R. Garcia, Jr.)

**Reports and Informational Items**

- A Non-City Entities Represented By City Commission:
1. Minutes From The Performing Arts Center Trust (PACT) Board Meeting Of May 10, 2005 And Agenda For The PACT Board Meeting In July 12, 2005. (Page 470)

**End of Regular Agenda**

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



Office of the City Clerk

## HOW A PERSON MAY APPEAR BEFORE THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA

THE REGULARLY SCHEDULED MEETINGS OF THE CITY COMMISSION ARE ESTABLISHED BY RESOLUTION. SCHEDULED MEETING DATES ARE AVAILABLE ON THE CITY'S WEBSITE, DISPLAYED ON CABLE CHANNEL 77, AND ARE AVAILABLE IN THE CITY CLERK'S OFFICE. COMMISSION MEETINGS COMMENCE NO EARLIER THAN 9:00 A.M. GENERALLY THE CITY COMMISSION IS IN RECESS DURING THE MONTH OF AUGUST.

1. DR. STANLEY SUTNICK CITIZENS' FORUM will be held during the first Commission meeting each month. The Forum is split into two (2) sessions, 1:30 p.m. and 5:30 p.m., or as soon as possible thereafter, provided that the Commission Meeting has not already adjourned prior to the time set for either session of the Forum. In the event of adjournment prior to the Stanley Sutnick Citizens' Forum, notice will be posted on Cable Channel 77, and posted at City Hall. Approximately thirty (30) minutes will be allocated for each session, with individuals being limited to no more than three (3) minutes or for a time period established by the Mayor. No appointment or advance notification is needed in order to speak to the Commission during this Forum.
2. Prior to every Commission meeting, an Agenda and backup material are published by the Administration. Copies of the Agenda may be obtained at the City Clerk's Office on the Monday prior to the Commission regular meeting. The complete Agenda, including all backup material, is available for inspection the Monday and Tuesday prior to the Commission meeting at the City Clerk's Office and at the following Miami Beach Branch Libraries: Main, North Shore, and South Shore. The information is also available on the City's website: <http://miamibeachfl.gov>.
3. Any person requesting placement of an item on the Agenda must provide a written statement with his/her complete address and telephone number to the Office of the City Manager, 1700 Convention Center Drive, 4th Floor, Miami Beach, FL 33139, briefly outlining the subject matter of the proposed presentation. In order to determine whether or not the request can be handled administratively, an appointment may be scheduled to discuss the matter with a member of the City Manager's staff. "Requests for Agenda Consideration" will not be placed on the Agenda until after Administrative staff review. Such review will ensure that the issue is germane to the City's business and has been addressed in sufficient detail so that the City Commission may be fully apprised. Such written requests must be received in the City Manager's Office no later than noon on Tuesday of the week prior to the scheduled Commission meeting to allow time for processing and inclusion in the Agenda package. Presenters will be allowed sufficient time, within the discretion of the Mayor, to make their presentations and will be limited to those subjects included in their written requests.
4. Once an Agenda for a Commission Meeting is published, persons wishing to speak on item(s) listed on the Agenda, other than public hearing items and the Dr. Stanley Sutnick Citizens Forum, should call or come to City Hall, Office of the City Clerk, 1700 Convention Center Drive, telephone 673-7411, before 5:00 p.m., no later than the day prior to the Commission meeting and give their name, the Agenda item to be discussed, and if known, the Agenda item number.
5. All persons who have been listed by the City Clerk to speak on the Agenda item in which they are specifically interested, and persons granted permission by the Mayor, will be allowed sufficient time, within the discretion of the Mayor, to present their views. When there are scheduled public hearings on an Agenda item, IT IS NOT necessary to register at the City Clerk's Office in advance of the meeting. All persons wishing to speak at a public hearing may do so and will be allowed sufficient time, within the discretion of the Mayor, to present their views.
6. If a person wishes to address the Commission on an emergency matter, which is not listed on the Agenda, there will be a period allocated at the commencement of the Commission Meeting when the Mayor calls for additions to, deletions from, or corrections to the Agenda. The decision as to whether or not the matter will be heard, and when it will be heard, is at the discretion of the Mayor. On the presentation of an emergency matter, the speaker's remarks must be concise and related to a specific item. Each speaker will be limited to three minutes, or for a longer or shorter period, at the discretion of the Mayor.



## CITY OF MIAMI BEACH

### 2005 CITY COMMISSION AND REDEVELOPMENT AGENCY MEETINGS

#### Commission Meetings

January 12 (Wednesday)

February 2 (Wednesday)

February 23 (Wednesday)

March 16 (Wednesday)

April 20 (Wednesday)

May 18 (Wednesday)

June 8 (Wednesday)

July 6 (Wednesday)

July 27 (Wednesday)

September 7 (Wednesday)

October 19 (Wednesday)

November 2\* (Wednesday)

November 16\* (Wednesday)

December 7 (Wednesday)

#### "Alternate" Commission Meetings

*May 25 (Wednesday)*

*September 14 (Wednesday)*

*October 26 (Wednesday)*

*December 14 (Wednesday)*

\* Election related items only.

The "alternate" City Commission meeting date have been reserved to give the Mayor and City Commission the flexibility to carry over a Commission Agenda item(s) to the "alternate" meeting date, if necessary. Any Agenda item(s) carried over will be posted on the City's website, aired on Government Channel 20, or you may call the City Clerk's at (305)673-7411.



CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

An Ordinance Amending Chapter 12, Article II of the Code of the City of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, and Clarifying and Amending the Definition, Procedures and Standards Applicable to Special Events.

**Issue:**

Shall the City Commission amend the Ordinance for issuance of Special Event Permits?

**Item Summary/Recommendation:**

On July 6, 2005 the City Commission passed the Ordinance amendment on first reading. The Administration was instructed to draft a provision into the guidelines that will allow Lincoln Road Marketing Association and other similar business association to have more than five (5) events in a calendar year. The Ordinance authorizes the City Manager to make amendments to the Special Event Guidelines consistent with the Ordinance. Therefore, the Administration recommends the City Manager amend the Consecutive Day Clause to include the following:

- Business or merchant associations are permitted to have events throughout the calendar year that promote and encourage patronage of the businesses in the geographic boundaries of the association. These events may NOT be retail oriented and MUST be free and open to the general public. A Special Event Permit may be required for such events and shall be obtained by the association. Such approvals shall abide by the City's Special Event Permit Requirements and Guidelines.

Highlights of significant amendments to the Ordinance are as follows:

**Definition of a special event** - A special event is defined as a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section.

**Application deadline** - Reduce application deadlines from 90 to 60 days in advance for both beach events and non-beach events.

**Planning Board review threshold** - In the case of events that expect 4,000 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the manager or manager's designee, the matter will be referred for review and recommendation to the city Planning Board.

**Permits** - Permits shall be posted in a conspicuous location at the site on which the special event occurs.

**Fines** - Violations to conditions of a special event permit may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for second offense a fine of three thousand dollars (\$3,000), and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest.

The Administration recommends approving the ordinance on second and final reading.

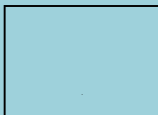
**Advisory Board Recommendation:**

Neighborhood/Community Affairs Committee on November 3, 2004, December 21, 2004 and June 2, 2005. Additionally, the Planning Board held two public hearings on March 29<sup>th</sup> and April 26<sup>th</sup>

**Financial Information:**

**Amount to be expended:**

Source of  
Funds:



Finance Dept.

	Amount	Account	Approved
1			
2			
3			
4			
Total			

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM

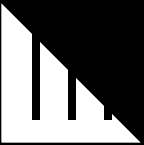
R5A

DATE

7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  **SECOND READING, PUBLIC HEARING**  
City Manager

**Subject:** **AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 12, ARTICLE II OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 12-5, "SPECIAL EVENTS PERMITS," BY RENUMBERING SUCH SECTION, AND CLARIFYING AND AMENDING THE DEFINITION, PROCEDURES AND STANDARDS APPLICABLE TO SPECIAL EVENTS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

### **ADMINISTRATION RECOMMENDATION:**

Adopt the Ordinance on second reading.

### **ANALYSIS:**

The City of Miami Beach has become the location of choice for a number of activities and special events which enrich this unique community for both visitors and residents. The Tourism and Cultural Development Department coordinates the permitting of special events and includes review of the appropriate neighborhood association in an effort to complement the ambience and aesthetics of the area in which the events are presented.

As part of the Tourism and Cultural Development Department, the Event and Film Production Office supports events on public property and other properties requiring special zoning exemptions. The Event and Film Production Office is responsible for assisting producers with special events guidelines and permit requirements and the issuance of Special Events Permits. In addition, the Special Events Division serves as liaison between local and regional associations and agencies in addressing the delivery of city services and assists neighborhood associations with maintenance of events criteria.

In 1988, the City Commission approved a set of requirements for any applicant who wishes to hold a special event in the City of Miami Beach. The Special Events Permit Requirements and Guidelines were designed to help guide applicants through the process of applying for a Special Events Permit, while ensuring minimal disruption to the impacted surrounding environment. In 1995, via Resolution No. 95-21684, several revisions to the guidelines were adopted, but the procedures set forth did not adequately address a variety of issues associated with the production of special events. In 1998, via Resolution No. 98-23003, the guidelines were amended to incorporate direction received from neighborhood



associations, property owners and citizen groups. Subsequently, in 2001 Ordinance No. 2001-3302 and the corresponding Resolution No. 2001-24341 were adopted by the City Commission, which codified the Special Event permit process and adopted separate guidelines with procedures, requirements and criteria for the issuance of permits for Special Events in Miami Beach.

In March 2003, at the request of the City Commission, the Administration began another review of the guidelines as the City of Miami Beach continued to increase in popularity and the impacts of special events grew. On July 6, 2005 the City Commission passed the Ordinance amendment on first reading and the companion resolution amending the City's Special Event Permit Requirements and Guidelines was also adopted. At that time, the Administration was instructed to draft a provision into the guidelines that will allow Lincoln Road Marketing Association and other similar business association to have more than five (5) events in a calendar year as long as the event is not retail oriented, is free and open to the public, and is geared toward attracting people to a destination.

Chapter 12, Article II, Section 12-5, subsection 7 authorizes the City Manager to make amendments to the Special Event Permit Requirements and Guidelines consistent with the intent and purpose of the Ordinance. Therefore, the Administration recommends that the City Manager amend the Consecutive Day Clause of the Special Event Permit Requirements and Guidelines to include the following:

- Business or merchant associations are permitted to have events throughout the calendar year that promote and encourage patronage of the businesses in the geographic boundaries of the association. These events may NOT be retail oriented and MUST be free and open to the general public. A Special Event Permit may be required for such events and shall be obtained by the association. Such approvals shall abide by the City's Special Event Permit Requirements and Guidelines.

### **SUMMARY OF EXISTING STANDARD REQUIREMENTS**

A City of Miami Beach Special Events Permit is required for any organized event which takes place on public property, or private property. Applicants who wish to hold a special event must submit to the Tourism and Cultural Development Department a completed Special Event Application. The City Manager may, at his/her discretion, reduce or waive the submission periods for a particular event when such waiver is found to be in the best interest of the City. The City Manager or the Manager's designee will determine specific requirements for the event, and City Departments will determine minimum-staffing levels needed to ensure the events success.

Special Events Applications are subject to review by, and applicants are required to present their plans to, the corresponding neighborhood association(s) corresponding to the geographic area where the event is proposed. The City will identify appropriate neighborhood associations for this review.

The City Manager will make a final determination on an application when all requirements are fully completed by the applicant, including payment for City services. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event. All approved permits must be available for inspection on site at all times.

The minimum requirements to apply for a Special Events Permit are:

- a completed application and a \$250.00 non-refundable application fee;
- a \$250.00 Permit Fee, refundable if application is denied;
- a minimum \$2,500.00 refundable Security Deposit, and depending upon the scope and nature of the proposed event, the Deposit may be increased;
- an original notarized, completed Indemnity Agreement;
- a Certificate of Insurance per occurrence for at least \$1,000,000 US dollars in general liability coverage, naming the City of Miami Beach as an additional insured and policy holder;
- a detailed site plan for the event, showing all temporary installations, in relation to the surroundings; and
- a completed questionnaire describing the event.

### **HIGHLIGHTS OF THE REVISIONS AND NEW REQUIREMENTS**

In order to continue facilitation of events that enhance the City of Miami Beach, language has been clarified and new requirements have been added to the Special Events Permits Requirements and Guidelines, which were approved on July 6, 2005. Highlights of significant amendments to the Ordinance are as follows:

- Definition of a special event - A special event is defined as any organized event that takes place on public property, or private property, where such event would not normally be allowed based on zoning, certificate of use or business license a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section. ~~without a special events permit.~~
- Application deadline - Applicants wishing to hold a special event must submit a completed special event application, including but not limited to an application form, site plan, fees, deposits, insurance and indemnification, as required by the special events requirements and guidelines, no less than ~~90~~ 60 days in advance for beach events and ~~60 days in advance for non-beach events.~~
- Planning Board review threshold- Special Event Applications are subject to review by, and applicants are required to present their plans to, the neighborhood association(s) corresponding to the geographic area where the event is proposed. In the case of events that expect ~~4,000~~ 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the manager or manager's designee, the matter will be referred for review and

recommendation to the city Planning Board.

- Permits - Permits shall be posted in a conspicuous location ~~maintained~~ at the site on which the special event occurs.
- Fines - Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the special events requirements and guidelines provided for herein, shall be subject to enforcement by city police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for second offense a fine of three thousand dollars (\$3,000), and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest, and/or enforcement as provided for in section 1-14 of this code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce compliance, as provided for in chapter 30 of this code.

JMG/TH/mas

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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA AMENDING CHAPTER 12, ARTICLE II OF THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING SECTION 12-5, "SPECIAL EVENTS PERMITS," BY RENUMBERING SUCH SECTION, AND CLARIFYING AND AMENDING THE DEFINITION, PROCEDURES AND STANDARDS APPLICABLE TO SPECIAL EVENTS; PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, departing from a history of informally allowing temporary uses as special events in the City through a procedure approved by resolution and governed by a set of guidelines, the City Commission previously adopted Ordinance No 2001-3302, which codified the special events permit process, and also adopted Resolution No. 2001-24341, to adopt the separate Special Event Permit Requirements and Guidelines; and

**WHEREAS**, due to the vibrancy of the City, there is also an expanded interest in holding special events in the City, in effect celebrating the uniqueness of the City as a venue for such events, and therefore there is a need to further review and revise the special events definition, procedures and standards to account for the increased interest in such events, while maintaining orderly arrangements for the use of public facilities, public resources, and private properties, and to minimize the disruption to the impacted surrounding environment and neighborhoods; and

**WHEREAS**, the existing special events permit review and approval process provides a significant review procedure to ensure that every event is compatible with surrounding properties and neighborhoods and complements the ambience and aesthetics of the area in which it is presented.

**NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND  
CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

Section 1. Chapter 12, Article II, Section 12-5 entitled, "Special Event Permits," of the Code of the City of Miami Beach is hereby amended as follows:

**CHAPTER 12**

**ARTS, CULTURE & ENTERTAINMENT**

\* \* \*

**Article II. Special Events**

\* \* \*

Sec. 12-5. Special events permits.

The city manager, or the manager's designee, has the authority to issue, modify or revoke permits for special events, in accordance with criteria set forth in this section and the special events requirements and guidelines approved by separate resolution of the city commission.

(1) It shall be unlawful to engage in special events without a special events permit. ~~A special event is defined as any organized event that takes place on public property, or private property, where such event would not normally be allowed based on zoning, certificate of use or business license~~ a temporary use on public or private property that would not be permitted generally or without restriction throughout a particular zoning district, but would be permitted if controlled with special review in accordance with this section. ~~without a special events permit.~~

(2) Applicants wishing to hold a special event must submit a completed special event application, including but not limited to an application form, site plan, fees, deposits, insurance and indemnification, as required by the special events requirements and guidelines, no less than ~~90~~ 60 days in advance for beach events and ~~60 days in advance~~ for non-beach events.

(3) The manager, or the manager's designee may impose such fees as they determine appropriate considering the impact of the special event on city facilities and services, including without limitation, user fees for particular city properties, square footage rates for exclusive use of public property, and concession agreements for paid admissions, and sale of food, beverage and merchandise on public property. The city manager may, in his discretion, reduce or waive the submission periods, or fees for events by not-for-profit corporations, for a particular event when such waiver is found to be in the best interest of the city.

(4) The manager or the manager's designee will determine specific requirements, and city departments will determine minimum staffing levels, for the event consistent with the special events requirements and guidelines.

(5) Special event applications are subject to review by, and applicants are required to present their plans to, the neighborhood association(s) corresponding to the geographic area where the event is proposed. In the case of events that expect ~~1,000~~ 200 or more attendees and where there is no legally constituted/recognized association, or in the discretion of the city commission, the city manager or city manager's designee, the matter will be referred for review and recommendation to the city planning board.

(6) The city manager, or the manager's designee, will make a final determination on an application for a permit within seven days after all special events requirements applicable to an event have been fulfilled, with appropriate extensions of such deadline to allow for scheduling of neighborhood association or planning board meetings. All requirements must be fully completed no later than two weeks prior to the event, including payment for city services. No refunds will be made after a permit is issued; however, payment does not constitute permission to hold the event.

(7) Special events requirements and guidelines. The city commission may adopt special events requirements and guidelines as they pertain to special events being held in the city. The manager may authorize amendments to the requirements and guidelines proposed by the administration, consistent with the intent and purpose of this section, or may present such amendments to the city commission for approval, by resolution.

(8) Conflict with noise provisions. The city manager or the manager's designee, may issue a permit that authorizes a special event in conflict with chapter 46, article IV, of this Code, or other applicable noise ordinance, only where the applicant has met all of the city's requirements for obtaining a permit as prescribed in this section and the requirements and guidelines, and the special event cannot be performed in compliance with the applicable noise ordinance. Such a permit must specify the precise manner by which the noise ordinance may be exceeded, by what duration, and at what locations. Such permit authorization may be modified or revoked if in the discretion of the manager, or designee, the authorization excessively negatively impacts the surrounding neighborhood. Having a permit shall not relieve the permit holder from compliance with all other applicable local, county, state or federal laws.

(9) Enforcement.

a. Permits shall be posted in a conspicuous location ~~maintained~~ at the site on which the special event occurs. Upon the request of any police officer or code compliance officer of the city, the owner, lessee of the property or other representative of the special event, shall produce such permit for inspection.

b. Persons engaged in a special event without a permit, or otherwise in violation of a permit, this section or the special events requirements and guidelines provided for herein, shall be subject to enforcement by city police or code compliance officers, through the issuance of immediate cease and desist orders, the violation of which may subject the offender to the following immediate fines: for the first offense a fine of one thousand dollars (\$1,000); for the second offense a fine of three thousand dollars (\$3,000); and for the third offense and subsequent offenses a fine of five thousand dollars (\$5,000) or arrest, and/or enforcement as provided for in section 1-14 of this code, and/or notices of violation referred to special masters, who have authority to issue fines or enforce



compliance, as provided for in chapter 30 of this code. Police or code compliance officers will coordinate enforcement with the Department of Tourism and Cultural Development ~~office of arts, culture and entertainment~~. As an alternate and supplemental remedy, the city may enforce this section by injunctive relief in any court of competent jurisdiction, and in such circumstance the city shall be entitled to recover its reasonable attorneys' fees and costs. For repeat offenders, the manager or designee may decline to issue permits to such person or entity for one year, or such other period as the manager deems appropriate.

(Ord. No. 2001-3302, § 1, 4-18-01)

## **SECTION 2. REPEALER.**

All ordinances or parts of ordinances and all sections and parts of sections in conflict herewith are hereby repealed.

## **SECTION 3. CODIFICATION.**

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

## **SECTION 4. SEVERABILITY.**

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

## **SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect ten (10) days following adoption.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_ 2005.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM  
AND LANGUAGE & FOR EXECUTION

\_\_\_\_\_  
City Attorney   
Date 7/10/05



## CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY** given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 27, 2005**, to consider the following:

10:15 A.M.

An Ordinance Amending Chapter 12, Article II Of The Code Of The City Of Miami Beach, By Amending Section 12-5, "Special Events Permits," By Renumbering Such Section, And Clarifying And Amending The Definition, Procedures And Standards Applicable To Special Events.

Inquiries may be directed to the Tourism and Cultural Development Department at (305) 673-7577.

INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of these ordinances are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact (305) 604-2489 (voice), (305) 673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

**Ad #320**

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

An Ordinance Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Parcels Of Land With Street Addresses Of 2608 Biarritz Drive And 2614 Biarritz Drive, From The Current GU, "Government Use," To The Proposed Zoning Classification RS-3 "Residential Single-Family District," Providing For Codification, Repealer, Severability And An Effective Date.

**Issue:**

Shall the City Commission adopt the Ordinance changing the zoning district classification?

**Item Summary/Recommendation:**

On June 6, 1990, the Mayor and City Commission adopted Resolution No. 90-20010, authorizing the execution of a purchase and sale agreement with Mr. Milton Lavernia for the sale of Parcels 2 and 3 (the Properties) in Normandy Isle, located at 2608 and 2614 Biarritz Drive (f/k/a 1185 and 1205 North Shore Drive), Miami Beach, Florida, further declaring Parcels 2 and 3 surplus properties. In October 1991, Mr. Lavernia individually sold one parcel to Eva Yelin and one parcel to Samuel Yelin. The actions to initiate the required change in zoning district classifications, for the respective Properties, were not undertaken at the time the Properties were conveyed. The Administration deemed that the required change in zoning district classification should be pursued at this time. As such, in accordance with the applicable City Code requirements, and in order to address the previous oversight, recommended same to the Mayor and City Commission on June 8, 2005, at which time the Mayor and City Commission set the required Public Hearing for July 27, 2005.

The Administration recommends that the Mayor and City Commission adopt the Ordinance changing the zoning district classification from GU to RS-3.

**Advisory Board Recommendation:**

N/A

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 80px; height: 40px; margin: 0 auto;"></div> Finance Dept.	<b>1</b>			
	<b>2</b>			
	<b>3</b>			
	<b>4</b>			
	<b>Total</b>			

**City Clerk's Office Legislative Tracking:**

Tim Hemstreet/Joe Damien

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

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AGENDA ITEM RSB  
DATE 7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**FIRST & ONLY READING  
PUBLIC HEARING**

**Subject: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCELS OF LAND WITH STREET ADDRESSES OF 2608 BIARRITZ DRIVE AND 2614 BIARRITZ DRIVE, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTIONS ATTACHED AS AN EXHIBIT HERETO FROM THE CURRENT GU, "GOVERNMENT USE," TO THE PROPOSED ZONING CLASSIFICATION RS-3 "RESIDENTIAL SINGLE-FAMILY DISTRICT;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

### ADMINISTRATION RECOMMENDATION

Adopt the Ordinance.

### ANALYSIS

On June 6, 1990, the Mayor and City Commission adopted Resolution No. 90-20010, authorizing the execution of a purchase and sale agreement with Mr. Milton Lavernia for the sale of Parcels 2 and 3 (the Properties) in Normandy Isle, located at 2608 and 2614 Biarritz Drive (f/k/a 1185 and 1205 North Shore Drive), Miami Beach, Florida, further declaring Parcels 2 and 3 surplus properties. In October 1991, Mr. Lavernia individually sold one parcel to Eva Yelin and one parcel to Samuel Yelin.

The Properties are located in an area that has a GU (Government Use) zoning district classification and are also adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District), and as such the City Administration has deemed that an RS-3 designation would be the most appropriate for the Properties in private ownership.

Pursuant to Section 142-425, of the Miami Beach City Code:

"Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan."

The action to initiate the required change in zoning district classifications for the respective Properties was not undertaken at the time the Properties were conveyed.

The Administration deemed that the required change in zoning district classification should be pursued at this time, in accordance with the applicable City Code requirements, in order to address the previous oversight. As such, pursuant to Section 142-425 of the Miami Beach City Code, on June 8, 2005, the Administration recommended to the Mayor and City Commission that the required Public Hearing be set for July 27, 2005, to consider an amendment to the zoning map by changing the zoning district classification of the Properties from GU (Government Use) to RS-3 (Single Family Residential), and in accordance with the City's Comprehensive Plan and Land Development Regulations. The Mayor and City Commission adopted Resolution No. 2005-25916 setting the public hearing for July 27, 2005.

Moreover, pursuant to Section 118-164 of the City Code, when there are changes to the zoning map designation for a parcel or parcels of land and, and the proposed amendment involves less than ten contiguous acres (the area of the subject Properties collectively are approximately 0.55 acres), notice shall be given by mail to the owners of record of land lying within 375 feet of the subject Property(ies), of the proposed zoning map designation change. Such notice shall be given at least 30 days prior to the date set for the public hearing, and a copy of such notice shall be kept available for public inspection during the regular business hours of the Office of the City Clerk. The required notice was duly mailed on June 16, 2005, to the property owners of record within the required mailing area, advising that the Mayor and City Commission would be holding a public hearing on the proposed ordinance on July 27, 2005, at 10:30 a.m. Upon conclusion of the public hearing, the Mayor and City Commission may immediately adopt the ordinance.

### **Fiscal Impact**

The transfer of title to the private sector in 1990 effectively eliminated the City's responsibility for maintaining the subject Properties, as well as placing same on the Ad Valorem Tax rolls, which resulted in the respective annual increase to the City's share of Ad Valorem taxes.

JMG:TH:JD:rd

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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCELS OF LAND WITH STREET ADDRESSES OF 2608 BIARRITZ DRIVE AND 2614 BIARRITZ DRIVE, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTIONS ATTACHED AS AN EXHIBIT HERETO FROM THE CURRENT GU, "GOVERNMENT USE," TO THE PROPOSED ZONING CLASSIFICATION RS-3 "RESIDENTIAL SINGLE-FAMILY DISTRICT;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, on June 6, 1990, the Mayor and City Commission adopted Resolution No. 90-20010, authorizing the execution of a purchase and sale agreement with Mr. Milton Lavernia for the sale of Parcels 2 and 3 (the Properties) in Normandy Isle, located at 2608 and 2614 Biarritz Drive (f/k/a 1185 and 1205 North Shore Drive), Miami Beach, Florida, further declaring Parcels 2 and 3 surplus properties; and

**WHEREAS**, in October 1991, Mr. Lavernia individually sold one parcel to Eva Yelin and one parcel to Samuel Yelin; and

**WHEREAS**, The Properties are located in an area that has a GU (Government Use) zoning district classification and are also adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District), and as such the City Administration has deemed that an RS-3 designation would be the most appropriate for the Properties in private ownership; and

**WHEREAS**, pursuant to Section 142-425, of the Miami Beach City Code, "Upon the sale of GU property, the zoning district classification shall be determined, after public hearing with notice pursuant to Florida Statutes, by the City Commission in a manner consistent with the comprehensive plan"; and

**WHEREAS**, the action to initiate the required change in zoning district classifications for the respective Properties were not undertaken at the time the Properties were conveyed; and

**WHEREAS**, the City Administration deemed that the required change in zoning district classification should be pursued at this time, in accordance with the applicable City Code requirements, in order to address the previous oversight and recommended same to the Mayor and City Commission on June 8, 2005; and

**WHEREAS**, on June 8, 2005, the Mayor and City Commission adopted Resolution No. 2005-25916 setting the required public hearing for July 27, 2005; and

**WHEREAS,** the Properties are located adjacent to a single-family residential district with a zoning district classification of RS-3 (Single Family Residential District), and as such the City Administration has deemed that an RS-3 designation would be the most appropriate for the Property in private ownership.

**WHEREAS,** the full legal descriptions of the Affected Properties are contained in the Exhibit attached to this Ordinance, and shortened descriptions of said property will be codified in the amendments below.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:**

**SECTION 1.**

The following amendments to the City's zoning map designation for the properties described herein are hereby approved and adopted and the Planning Director is hereby directed to make the appropriate changes to the zoning map of the City:

A parcel of land commonly referred to as 2608 Biarritz Drive, Miami Beach, Florida, approximately 12,052 square feet, from the current GU, "Government Use," to the proposed zoning classification RS-3, "Single Family Residential."

and

A parcel of land commonly referred to as 2614 Biarritz Drive, Miami Beach, Florida, approximately 12,008 square feet, from the current GU, "Government Use," to the proposed zoning classification RS-3, "Single Family Residential."

**SECTION 2.**

**REPEALER.** All Ordinances or parts of Ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 3.**

**SEVERABILITY.** If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

**SECTION 4.**

**CODIFICATION.** It is the intention of the City Commission that this Ordinance be entered into the Code, and it is hereby ordained that the sections of this Ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word. The Exhibit to this Ordinance shall not be codified, but shall be kept on file with this Ordinance in the City Clerk's Office.

**SECTION 5.**

EFFECTIVE DATE. This ordinance shall take effect ten days after adoption.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

ATTEST:

\_\_\_\_\_  
CITY CLERK


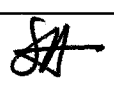
\_\_\_\_\_  
MAYOR

VERIFIED:

\_\_\_\_\_  
PLANNING DIRECTOR

\_\_\_\_\_  
DATE

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
CITY ATTORNEY 

  
\_\_\_\_\_  
DATE

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## 2608 BIARRITZ DRIVE, MIAMI BEACH, FLORIDA

Commence at the Northwest corner of Tract 46A, NORMANDY GOLF COURSE SUBDIVISION, according to the plat thereof recorded in Plat Book 44, at Page 62, Public Records of Dade County, Florida, said point also known as the Northwest corner of Lot 18, subdivision of Tract 46A, of the NORMANDY GOLF COURSE SUBDIVISION, Plat Book 55, Page 95, Public Records of Dade County, Florida; thence from the northerly line of said tract 46A, deflecting  $79^{\circ}36'34''$  to the left to tangent of a circular curve concave to the southeast, having a central angle of  $7^{\circ}15'24''$  and a radius of 2225.00 feet and runs along the arc of said curve for a distance of 281.80 feet to the POINT OF BEGINNING, thence continue along said circular curve concave to the southeast having a central angle of  $1^{\circ}52'23''$  and a radius of 2225.00 feet for an arc distance of 72.73 feet to a point, said point being the southwest corner of a tract of land described as Parcel 2; thence run South  $85^{\circ}44'37''$  East for a distance of 145.73 feet to a point, said point being the southeast corner of said Parcel 2; thence run along the arc of a curve concave to the east, having a central angle of  $16^{\circ}57'56''$  and a radius of 288.11 feet for a distance of 85.31 feet to a point; thence run North  $81^{\circ}42'15''$  West for a distance of 167.79 feet to the POINT OF BEGINNING. Said lands located, lying and being in the city of Miami Beach, Florida, and containing 12052 square feet more or less.

## 2614 BIARRITZ DRIVE, MIAMI BEACH, FLORIDA

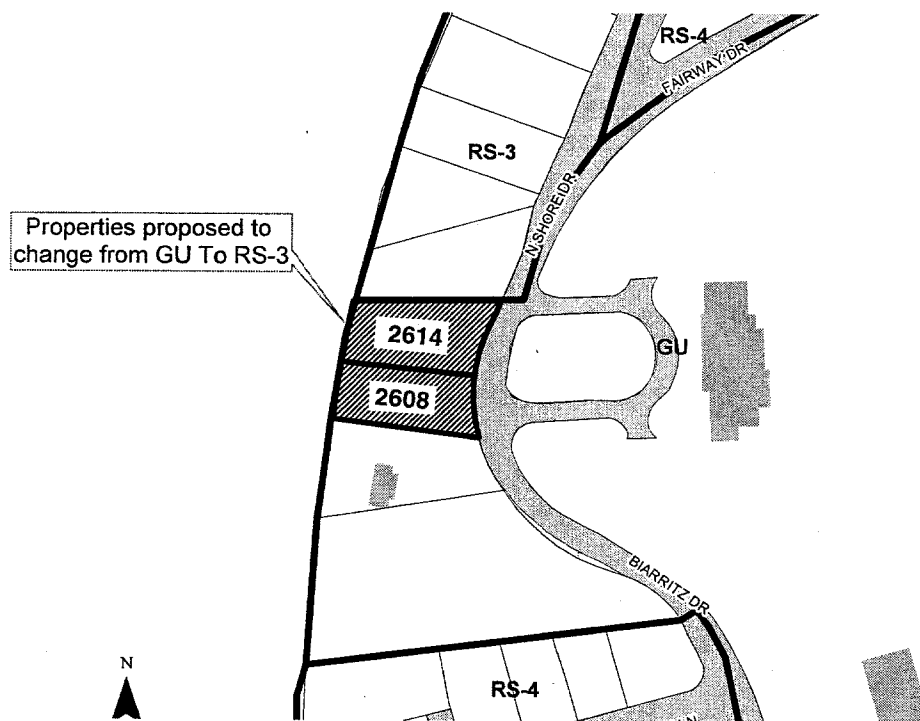
Commence at the Northwest corner of Tract 46A, NORMANDY GOLF COURSE SUBDIVISION, according to the plat thereof recorded in Plat Book 44, at Page 62, Public Records of Dade County, Florida, said point also known as the Northwest corner of Lot 18, subdivision of Tract 46A, of the NORMANDY GOLF COURSE SUBDIVISION, Plat Book 55, Page 95, Public Records of Dade County, Florida; thence from the Northerly line of Tract 46A deflecting  $79^{\circ}36'34''$  to the left to the tangent of a circular curve, concave to the Southeast, having a central angle  $9^{\circ}07'46''$  and a radius of 2225.00 feet and runs along the arc of said curve for a distance of 354.53 feet to the POINT OF BEGINNING, thence continue along said circular curve concave to the Southeast, having a central angle of  $01^{\circ}52'23''$  and a radius of 2225.00 feet for an arc distance of 72.73 feet to point, said point being the Southwest corner of a tract of land described as Parcel 1; thence run north  $85^{\circ}12'32''$  East for a distance of 152.11 feet to a point, said point being the Southeast corner of said Parcel 1; thence run along a compound curve, concave to the Southeast having a central angle of  $02^{\circ}12'32''$  and a radius of 544.71 feet for an arc distance of 21.00 feet; thence run along said compound curve having a central angle of  $15^{\circ}12'24''$  and a radius of 288.11 feet for an arc distance of 76.46 feet to a point; thence run North  $85^{\circ}44'37''$  West for a distance of 145.73 feet to the POINT OF BEGINNING, said lands located, lying and being in the City of Miami Beach, Florida and containing 12008 square feet more or less.

**CITY OF MIAMI BEACH  
PROPOSED ZONING MAP CHANGE  
NOTICE TO THE PUBLIC**



**THE CITY OF MIAMI BEACH CITY COMMISSION** will hold a public hearing on the following ordinance on **WEDNESDAY, July 27, 2005 at 10:30 a.m.** in the City Commission Chambers, Third Floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida 33139, or as soon thereafter as this matter can be heard:

**AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING THE OFFICIAL ZONING DISTRICT MAP, REFERENCED IN SECTION 142-72 OF THE CODE OF THE CITY OF MIAMI BEACH, FLORIDA, BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCELS OF LAND WITH STREET ADDRESSES OF 2608 BIARRITZ DRIVE AND 2614 BIARRITZ DRIVE, MORE PARTICULARLY DESCRIBED IN THE LEGAL DESCRIPTIONS ATTACHED AS AN EXHIBIT HERETO FROM THE CURRENT GU, "GOVERNMENT USE," TO THE PROPOSED ZONING CLASSIFICATION RS-3 "RESIDENTIAL SINGLE-FAMILY DISTRICT;" PROVIDING FOR CODIFICATION, REPEALER, SEVERABILITY AND AN EFFECTIVE DATE.**



Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. Inquiries may be directed to the Planning Department at (305) 673-7550.

To request this material in accessible format, sign language interpreters, information on access for persons with disabilities, and/or any accommodation to review any document or participate in any city-sponsored proceeding, please contact 305-604-2489 (voice), 305-673-7218 (TTY) five days in advance to initiate your request. TTY users may also call 711 (Florida Relay Service).

## CITY OF MIAMI BEACH NOTICE OF A PUBLIC HEARING

**NOTICE IS HEREBY** given that a public hearing will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on **Wednesday, July 27, 2005, at or no earlier than 10:30 a.m.**, pursuant to Miami Beach City Code 142-425, Miami Beach City Code, To Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of The Properties Located at 2608 And 2614 Biarritz Drive (F/K/A 1185 And 1205 North Shore Drive), From GU (Government Use) To RS-3 (Single Family Residential), Following The Conveyance By The City To A Private Party, All In Accordance With The City's Comprehensive Plan And Land Development Regulations.

Inquiries may be directed to the Planning Department at (305) 673-7550.

**INTERESTED PARTIES** are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parcher, City Clerk  
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

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Ad #317



OFFICE OF THE CITY ATTORNEY

*City of Miami Beach*

F L O R I D A



**MURRAY H. DUBBIN**  
City Attorney

Telephone: (305) 673-7470  
Telecopy: (305) 673-7002

**COMMISSION MEMORANDUM**

**DATE: JULY 27, 2005**

**TO: MAYOR DAVID DERMER and  
MEMBERS OF THE CITY COMMISSION**

**FROM: MURRAY H. DUBBIN** *MD*  
**CITY ATTORNEY** *JD*

**SUBJECT: PROPOSED ORDINANCE AMENDING CITY CODE CHAPTER 38 "ELECTIONS",  
CREATING CODE SECTION 38-6 "EARLY VOTING"**

---

The Neighborhood /Community Affairs Committee has recommended that the City provide for early voting for the November municipal election(s) in accordance with the attached schedule; in the event the City Commission accepts the Committee's recommendation to conduct early voting, an ordinance must be passed by the Commission expressing its intent to exempt its municipal Mayoral and Commission elections from the statutory scheduling restrictions for early voting, as set forth within the Florida Statutes. Accordingly, the attached ordinance has been prepared amending City Code Chapter 38 governing "Elections", via the creation of Code section 38-6 entitled "Early Voting", which legislation will enable the City of Miami Beach to conduct early voting for the election of its elected officials in accordance with the City-created schedule.

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1700 Convention Center Drive -- Fourth Floor -- Miami Bea

Agenda Item RSC  
Date 7-27-05

**Olin, Jean**

---

**From:** Parcher, Robert  
**Sent:** Thursday, June 30, 2005 9:14 AM  
**To:** 'Sola, Lester (Elections)'  
**Cc:** Maria Saboya (oya@miamidade.gov); Gonzalez, Jorge; Olin, Jean; Martinez, Maria  
**Subject:** City of Miami Beach - Early Voting

Lester, first I want to thank you for having Maria and Miriam attend the City of Miami Beach Neighborhood/Community Affairs Committee, a sub-committee of the City Commission, meeting. Maria is very well known on Miami Beach as a member of the City's Transportation and Parking Committee. Both Maria and Miriam's input was extremely valuable.

The Neighborhood/Community Affairs Committee made a motion authorizing early voting for:

**General Election (November 1)** beginning on Monday, October 24 and ending on Sunday, October 30  
Monday, Tuesday, and Wednesday, October 24, 25 and 26 from 12 noon until 7:00 pm  
Thursday and Friday, October 27 and 28 from 9 am until 4 pm  
Saturday and Sunday, October 29 and 30 from 9 am until 7 pm

**Runoff Election (November 15, if one is necessary)**  
Saturday and Sunday, November 12 and 13 from 9 am until 7 pm

I am confident the City Commission, as a whole, will support the motion.

Of course this is assuming the County will not be conducting a Countywide Special Election. I am sure you will keep me informed on the results of the petition drive.

As always, I thank you, and your staff for your support.

Bob

Robert Parcher  
City of Miami Beach  
City Clerk  
1700 Convention Center Drive  
Miami Beach, Florida 33139  
305-673-7411  
[Rparcher@miamibeachfl.gov](mailto:Rparcher@miamibeachfl.gov)

**Miami Beach**



6/30/2005

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 38 ENTITLED "ELECTIONS", BY CREATING SECTION 38-6 "EARLY VOTING"; EXEMPTING CITY MAYORAL AND COMMISSION ELECTIONS FROM THE PROVISIONS OF PARAGRAPH (1)(b) OF SECTION 101.657, FLORIDA STATUTES, CONCERNING EARLY VOTING AND INSTEAD AUTHORIZING A SHORTENED DURATION FOR EARLY VOTING FOR CITY MAYORAL AND COMMISSION ELECTIONS; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

WHEREAS, pursuant to section 100.3605(1), Florida Statutes, municipalities are authorized by Ordinance to exempt themselves from provisions of the State Election Code which do not expressly apply to municipalities; and

WHEREAS, paragraph (1)(b) of Section 101.657 "Early Voting" of the Florida Statutes, which does not expressly apply to municipalities, sets forth a specific schedule for early voting; and

WHEREAS, the City Commission desires to exempt municipal Mayoral and Commission elections commencing with the March 2005 elections from the duration, hours of operation and other restrictions for early voting as provided by Section 101.657(1)(b), Florida Statutes, while enabling the City to provide for a sufficient, but shortened, schedule of early voting in advance of such municipal elections.

NOW THEREFORE, IT IS HEREBY ORDAINED BY THE MAYOR AND COMMISSIONERS OF THE CITY OF MIAMI BEACH, FLORIDA, AS FOLLOWS:

**SECTION 1. Recitals Adopted.** That each of the above stated recitals is hereby adopted and confirmed.

**SECTION 2. City Code Amended; Early Voting.** That Chapter 38 "Elections" of the Miami Beach City Code is hereby amended by creating Section 38-6 "Early Voting," to read as follows:

**Sec. 38-6      Early Voting.**

- (a) Pursuant to Section 100.3605(1), Florida Statutes, it is hereby provided that commencing with the November 2005 municipal elections for Mayoral and Commission offices, all Mayoral elections are hereby exempted from the provisions of Section 101.657(1)(b), Florida Statutes, (the "Early Voting Statute"). The Early Voting Statute provides for early voting to begin on the fifteenth day before an election and end on the day before an election and provides other operational restrictions.
- (b) In lieu of the above-described provisions of Section 101.657(1)(b), Florida Statutes, it is hereby provided that early voting shall commence 8 days prior to the general election, and shall occur for a total of 7 consecutive days; with early voting to occur on the Saturday and Sunday immediately preceding any run-off election.
- (c) The hours of early voting shall be noticed in a newspaper(s) of general circulation within the City of Miami Beach.
- (d) The remaining paragraphs of Section 101.657, Florida Statutes, exclusive of paragraph (1)(b) thereof, shall continued to apply to the City's Mayoral and Commission elections as provided by law.
- (e) The City Commission may, by Resolution, adopted in advance of a general, runoff or special election for Mayor or Commissioner, alter the schedule of days and times for early voting from that which is provided above.
- (f) The City Clerk is hereby authorized to take any action which is necessary or expedient to implement early voting in accordance with this section.

**SECTION 3. REPEALER**

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

**SECTION 4. SEVERABILITY**

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

**SECTION 5. CODIFICATION.**

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

**SECTION 6. EFFECTIVE DATE**

This Ordinance shall take effect the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

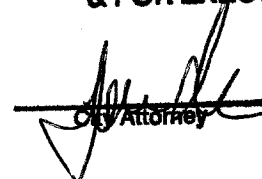
**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney      Date 1-13-05

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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**

**Condensed Title:**

City Manager Authority During The Period Of July 27, 2005 Through September 8, 2005.

**Issue:**

Shall the City Commission authorize the City Manager, or his designee, with authority to select, negotiate, renew, award and reject all bids, contracts, agreements, purchase orders, change orders and grant applications during the period of July 27, 2005 through September 8, 2005?

**Item Summary/Recommendation:**

Between the last meeting on July 27, 2005, and the first regularly scheduled meeting on September 8, 2005, the City Commission will not be in session. During this period there may be bids or contracts in excess of the \$25,000, which may need to be rejected, awarded or terminated.

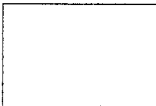
Based on the above, it is requested, that the City Manager, or his designee, be authorized to sign all contracts, agreements, purchase orders, change orders, and grant applications; renew any existing contracts, for an appropriate period of time; terminate existing contracts, as needed, from the last Commission meeting on July 27, 2005, until the first regularly scheduled Commission meeting on September 8, 2005, subject to ratification by the City Commission at its first regularly scheduled meeting on September 8, 2005.

**ADOPT THE RESOLUTION.**

**Advisory Board Recommendation:**

N/A


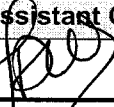
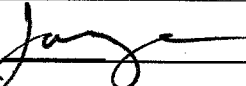
**Financial Information:**

Source of Funds:   Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Gus Lopez, ext. 6641

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
GL 	PDW 	JMG 

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AGENDA ITEM R7A  
DATE 7-27-05



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE TO SELECT, NEGOTIATE, AWARD AND REJECT ALL BIDS, CONTRACTS, AGREEMENTS, PURCHASE ORDERS, CHANGE ORDERS AND GRANT APPLICATIONS; RENEW EXISTING CONTRACTS WHICH MAY EXPIRE; TERMINATE EXISTING CONTRACTS AS NEEDED; FROM THE LAST COMMISSION MEETING ON JULY 27, 2005, UNTIL THE FIRST REGULARLY SCHEDULED COMMISSION MEETING ON SEPTEMBER 8, 2005, SUBJECT TO RATIFICATION BY THE CITY COMMISSION AT ITS FIRST REGULARLY SCHEDULED MEETING ON SEPTEMBER 8, 2005.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### BACKGROUND

Between the last meeting on July 27, 2005, and the first regularly scheduled meeting on September 8, 2005, the City Commission will not be in session. During this period there may be bids or contracts in excess of the \$25,000, which may need to be rejected, awarded or terminated.

Based on the above, it is requested, that the City Manager, or his designee, be authorized to sign all contracts, agreements, purchase orders, change orders, and grant applications; renew any existing contracts, for an appropriate period of time; terminate existing contracts, as needed, from the last Commission meeting on July 27, 2005, until the first regularly scheduled Commission meeting on September 8, 2005, subject to ratification by the City Commission at its first regularly scheduled meeting on September 8, 2005.

Since this authorization is necessary to ensure that essential services and projects continue during the period between the last Commission meeting on July 27, 2005, until the first regularly scheduled Commission meeting on September 8, 2005, it is recommended that the City Commission adopt this Resolution.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER, OR HIS DESIGNEE, TO SELECT, NEGOTIATE, AWARD AND REJECT ALL BIDS, CONTRACTS, AGREEMENTS, PURCHASE ORDERS, CHANGE ORDERS AND GRANT APPLICATIONS; RENEW EXISTING CONTRACTS WHICH MAY EXPIRE; AND TERMINATE EXISTING CONTRACTS, AS NEEDED, FROM THE LAST COMMISSION MEETING ON JULY 27, 2005, UNTIL THE FIRST REGULARLY SCHEDULED MEETING ON SEPTEMBER 8, 2005, SUBJECT TO RATIFICATION BY THE CITY COMMISSION AT ITS FIRST REGULARLY SCHEDULED MEETING ON SEPTEMBER 8, 2005.**

**WHEREAS**, between the last meeting on July 27, 2005, and the first regularly scheduled meeting on September 8, 2005, the City Commission will not be in session; and

**WHEREAS**, during this period, there may be bids or contracts in excess of the \$25,000, which may need to be rejected, awarded or terminated; and

**WHEREAS**, the City Commission has historically, during its August recess, assigned the City Manager with the authority to select, negotiate, award and/or renew contracts, as needed, subject to ratification by the City Commission; and

**WHEREAS**, it is therefore requested that the City Manager, or his designee, be authorized to sign all contracts, agreements, purchase orders, change orders, and grant applications; renew any existing contracts, which may expire, for an appropriate period of time; terminate existing contracts, as needed, from the last Commission meeting on July 27, 2005, until the first regularly scheduled Commission meeting on September 8, 2005, subject to ratification by the City Commission at its first regularly scheduled meeting on September 8, 2005; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby authorize the City Manager, or his designee, to select, negotiate, award and reject all bids, contracts, agreements, purchase orders, change orders, and grant applications; renew existing contracts which may expire; and terminate existing contracts, as needed, from the last City Commission meeting on July 27, 2005, until the first regularly scheduled meeting on September 8, 2005, subject to ratification by the City Commission at its first regularly scheduled meeting on September 8, 2005.

**PASSED and ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Clerk

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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

 7/21/05  
\_\_\_\_\_  
City Attorney Date

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, regarding a certain geographic area within the City of Miami Beach called the City Center/Historic Convention Village Redevelopment and Revitalization Area, Described generally as being bounded on the east by the Atlantic Ocean, on the north by 24th Street, on the west by West Avenue and on the south by 14th Lane; confirming the pledge for the benefit of all bonds (as defined herein) of proceeds of the Resort Tax levied by the City to the extent provided in Resolution No. 94-21008 adopted by the City on January 5, 1994; authorizing the issuance by the Miami Beach Redevelopment Agency of not to exceed \$58,000,000 Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village), and not to exceed \$35,000,000 Tax Increment Revenue Refunding Bonds, Series 2005B.

**Issue:**

Shall the City Commission authorize the issuance of not to exceed \$58,000,000 in principal amount of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village), and not to exceed \$35,000,000 in principal amount of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Series 2005B (City Center/Historic Convention Village), for the purpose of refunding certain outstanding bonds of the Agency, funding any necessary deposit to the Debt Service Reserve Account and paying costs of issuance and refunding.

**Item Summary/Recommendation:**

The Administration recommends the City Commission adopt the proposed Resolution. The Finance Department continuously monitors outstanding bonds for potential refunding/refinancing opportunities. Currently there is an opportunity to refund the outstanding Miami Beach Redevelopment Agency (RDA) City Center/Historic Convention Village (CCHCV) Bonds, which as of July 18, 2005 would generate approximately \$7,018,611 in Net Present Value (NPV) savings.

**Advisory Board Recommendation:**

On May 24, 2005 the Finance and Citywide Projects Committee approved the City Manager's recommendation which authorizes the RDA Chairman, Executive Director, and Chief Financial Officer to take all necessary actions to issue Tax Increment Revenue Refunding Bonds for the CCHCV.

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 80px; margin-bottom: 5px;"></div> Finance Dept.	<b>1</b>	\$58,000,000	Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Taxable Series 2005A.	
	<b>2</b>	\$35,000,000	Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Series 2005B.	
	<b>Total</b>	\$93,000,000		

**City Clerk's Office Legislative Tracking:**

Patricia D. Walker, Chief Financial Officer

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
PDW _____	 PDW _____	JMG _____

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



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## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REGARDING A CERTAIN GEOGRAPHIC AREA WITHIN THE CITY OF MIAMI BEACH CALLED THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, DESCRIBED GENERALLY AS BEING BOUNDED ON THE EAST BY THE ATLANTIC OCEAN, ON THE NORTH BY 24TH STREET, ON THE WEST BY WEST AVENUE AND ON THE SOUTH BY 14TH LANE; CONFIRMING THE PLEDGE FOR THE BENEFIT OF ALL BONDS (AS DEFINED HEREIN) OF PROCEEDS OF THE RESORT TAX LEVIED BY THE CITY TO THE EXTENT PROVIDED IN RESOLUTION NO. 94-21008 ADOPTED BY THE CITY ON JANUARY 5, 1994; AUTHORIZING THE ISSUANCE BY THE MIAMI BEACH REDEVELOPMENT AGENCY OF NOT TO EXCEED \$58,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, TAXABLE SERIES 2005A (CITY CENTER/HISTORIC CONVENTION VILLAGE), AND NOT TO EXCEED \$35,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2005B (CITY CENTER/HISTORIC CONVENTION VILLAGE), IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SAID SERIES 2005 BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXECUTE AND DELIVER AN AGREEMENT WITH RESPECT THERETO; AND AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

### **ADMINISTRATIVE RECOMMENDATION**

Adopt the Resolution.

### **ANALYSIS**

The Finance Department continuously monitors outstanding bonds for potential refunding/refinancing opportunities. Currently there is an opportunity to refund the outstanding Miami Beach Redevelopment Agency (RDA) City Center/Historic Convention Village (CCHCV) Bonds, which as of July 18, 2005 would generate approximately \$7,018,611 in Net Present Value (NPV) savings: \$3,984,428 or 8.8% from Taxable Series 2005A and \$3,034,183 or 9.41% from Series 2005B.

The current outstanding callable principal for the RDA CCHCV Bonds is \$77,105,000 and is comprised of the following issues.

**Miami Beach Redevelopment Agency  
City Center/Historic Convention Village  
Bonds To Be Recalled**

<b>Series</b>	<b>Tax Status</b>	<b>Bonds to be Recalled</b>
1993	Tax-exempt	\$ 19,460,000
1996A	Taxable	\$ 32,630,000
1996B	Tax-exempt	\$ 6,260,000
1998A	Taxable	\$ 12,240,000
1998B	Tax-exempt	\$ 6,515,000
		<u>\$ 77,105,000</u>

The proposed issue will be comprised of a not to exceed amount of \$58,000,000 in RDA Tax Increment Revenue Refunding Bonds, Taxable Series 2005A and a not to exceed amount of \$35,000,000 in RDA Tax Increment Revenue Refunding Bonds, Series 2005B.

The Bonds are issued on parity and are secured by a primary pledge of Net Tax Increment Revenues of the CCHCV Redevelopment District and a secondary pledge of the City of Miami Beach (the "City") Resort Tax Revenues, (the "Supplemental Revenues".) MBIA is the insurer on the Series 1998A and 1998B Bonds. Neither, the Series 1993 Bonds nor the Series 1996 Bonds were insurable at the time of issuance because the rating of the bonds was below investment grade.

In March of 2004 the rating, on Miami Beach Redevelopment Agency, outstanding CCHCV tax increment revenue bonds, was raised to 'A-' from 'BBB'. In the report Standard and Poor's commented that the upgrade was based on strong growth in the incremental assessed valuation (AV) and historically strong debt service coverage. The rating further reflects:

- The agency's sound financial performance, evidenced by strong reserves and ongoing healthy debt service coverage levels by combined pledged tax increment and resort tax revenues;
- A large tax base that has experienced strong growth since its inception; and
- Taxpayer concentration that has decreased over the years and is now only moderate.

Given the increased rating from Standard and Poor's, the Administration wanted to insure that the City's Resort Tax Revenue stream was available to support a debt offering for the expansion of the Convention Center or other municipal resort tax eligible projects and therefore sought MBIA's consent to amend the release provision for the secondary pledge (in Section 304 D of the Bond Resolution No. 150-94) of Resort Tax Revenues.

The existing release provision required that the Net Trust Fund Revenues for each of the immediately preceding two fiscal years be at least equal to one hundred seventy-five percent (175%) of the Maximum Annual Debt Service on all Bonds then outstanding. Additionally, it was requested that, upon the release of the Supplemental Revenues, the 175% test for issuance of additional parity bonds be replaced by a test of 150% based solely on Net Trust Fund Revenues for each of the immediately preceding two fiscal years.

During August of 2004, MBIA consented and agreed to amend the test to release the resort tax pledge from the current requirement of one hundred seventy-five percent (175%) of the Maximum Annual Debt Service on all Bonds then outstanding for two consecutive years to 150% for two consecutive years. Further, they agreed that the Additional Bonds Test will remain at the current level of 175% until tax increment revenues covered debt service by at least 175% for two consecutive years, at which point the Additional Bonds Test will be reduced to 150%. They also requested that the City agree to subordinate its administration fees to the debt service on the bonds.

The City planned to accept these modifications and was preparing the necessary amendments to the Bond Resolutions which would have required adoption by the Board of the Agency subsequent to the sale of the Tax Increment Revenue Refunding Bonds and consent of the Bondholders, as such.

However, since that time the Agency's financial position, has dramatically improved as a result of the following events:

- The Agency's cash position has increased in excess of \$40 million from the sale of land and public areas of the hotel to the Loews Hotel and land to the Royal Palm Crowne Plaza Hotel, both of which were previously leased by the hotels. These funds are restricted to use within the District;
- The assessed value of the District increased to \$2.270 billion on January 1, 2005; an increase of \$637.3 million or 39.02% which will generate in excess of \$25 million in Tax increment revenues , based on existing millages;
- The 2005 debt service coverage based on the actual assessed value of taxable real property in the District as of January 1, 2005 plus projected Resort Tax Revenues is 522% of the Maximum Annual Debt Service on all Bonds then outstanding. Assuming that the City and County Millage for FY 2006 is the same as in FY 2005, the 2006 debt service coverage is 665%; and
- The 2005 debt service coverage based on the actual assessed value of taxable real estate in the District as of January 1, 2005 excluding projected Resort Tax Revenues is 188%. Assuming that the City and County Millage for FY 2006 is the same as in FY 2005, the 2006 debt service coverage is 280%.

During discussions with MBIA and other insurance firms regarding proposed insurance rates it became apparent that the proposed amendments might impact the rating of the

Bonds and as a result, substantially increase the cost of bond insurance. However, because of the events listed above, which have resulted in a strengthened financial position we have concluded that under the existing provisions of the Bonds, the City would be able to release the resort tax pledge at the end of fiscal year 2006, if necessary.

We have requested a rating indication from Standard & Poor's, with assistance from the RDA's Financial Advisor, RBC Dain Rauscher, and believe it is in the best interest of the RDA and City to leave the existing covenants in place and instead pursue a rating increase over the current "A-" Standard & Poor's issued in March of 2004.

An increase in rating would lead to lower issuance fees and considerably favorable rates when pricing and selling the bonds. As a point of reference, the RDA CCHCV is currently ranked, by Standard & Poor's, amongst the highest graded Community Redevelopment Agencies (CRA's) nationwide.

The City and RDA have also obtained approval from Miami-Dade County, through an Interlocal Agreement approved by the County on July 27, 2004 which authorized the issuance of an amount not to exceed \$101,090,000 of RDA refunding bonds for the purpose of refinancing all or a portion of the outstanding principal amount of Bonds issued with respect to the City Center District. The County further required that the Refunding Bonds mature no later than December, 31 2022.

#### **FINANCE AND CITYWIDE PROJECTS COMMITTEE RECOMMENDATION**

On May 24, 2005 the Finance and Citywide Projects Committee approved the City Manager's recommendation which authorizes the RDA Chairman, Executive Director, and Chief Financial Officer to take all necessary actions to issue Tax Increment Revenue Refunding Bonds for the CCHCV.

JMG:PDW:mm



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REGARDING A CERTAIN GEOGRAPHIC AREA WITHIN THE CITY OF MIAMI BEACH CALLED THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, DESCRIBED GENERALLY AS BEING BOUNDED ON THE EAST BY THE ATLANTIC OCEAN, ON THE NORTH BY 24TH STREET, ON THE WEST BY WEST AVENUE AND ON THE SOUTH BY 14TH LANE; CONFIRMING THE PLEDGE FOR THE BENEFIT OF ALL BONDS (AS DEFINED HEREIN) OF PROCEEDS OF THE RESORT TAX LEVIED BY THE CITY TO THE EXTENT PROVIDED IN RESOLUTION NO. 94-21008 ADOPTED BY THE CITY ON JANUARY 5, 1994; AUTHORIZING THE ISSUANCE BY THE MIAMI BEACH REDEVELOPMENT AGENCY OF NOT TO EXCEED \$58,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, TAXABLE SERIES 2005A (CITY CENTER/HISTORIC CONVENTION VILLAGE), AND NOT TO EXCEED \$35,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2005B (CITY CENTER/HISTORIC CONVENTION VILLAGE), IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SAID SERIES 2005 BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXECUTE AND DELIVER AN AGREEMENT WITH RESPECT THERETO; AND AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Redevelopment Agency (the "Agency") has heretofore issued its (i) \$25,000,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1993 (City Center/Historic Convention Village), currently Outstanding (as defined in the Original Agency Resolution described below) in the principal amount of \$19,460,000, (ii) \$37,500,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Taxable Series 1996A (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$32,630,000, (iii) \$7,705,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1996B (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$6,260,000, (iv) \$29,105,000 Miami Beach Redevelopment Agency



Tax Increment Revenue Bonds, Taxable Series 1998A (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$25,560,000, and (v) \$9,135,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1998B (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$7,695,000 (collectively, the “Prior Bonds,” and together with any other bonds issued on a parity therewith under the provisions of the Bond Resolution described below, the “Bonds”), pursuant to Resolution No. 150-94, adopted by the Chairman and Members of the Agency (collectively, the “Agency Commission”) on January 5, 1994 (the “Original Agency Resolution”), as supplemented (the Original Agency Resolution as amended and supplemented from time to time is referred to herein as the “Bond Resolution”), to fund the acquisition and clearing of certain property and the construction of certain public improvements in an area of the City of Miami Beach, Florida (the “City”) known as the “City Center/Historic Convention Village Redevelopment and Revitalization Area,” all in accordance with a redevelopment plan (the “Redevelopment Plan”) adopted by the Agency under Chapter 163, Part III, Florida Statutes, as amended (the “Act”), and approved by the City pursuant to Resolution No. 93-20721 adopted by the Mayor and City Commission of the City (collectively, the “City Commission”) on February 12, 1993; and

WHEREAS, the Bonds are primarily payable from certain Net Trust Fund Revenues (as defined in the Original Agency Resolution) received by the Agency pursuant to Section 163.387 of the Act, Ordinance No. 93-2836 adopted by the City Commission on February 24, 1993 and Ordinance No. 93-28 enacted by the Board of County Commissioners of Miami-Dade County, Florida on April 27, 1993; and

WHEREAS, the Net Trust Fund Revenues initially were estimated not to be sufficient to pay the principal of and interest on the Bonds; and

WHEREAS, because of the importance of the Redevelopment Plan to the economic development of the City, the City, pursuant to Resolution No. 94-21008 adopted by the City Commission on January 5, 1994, as supplemented (as amended and supplemented from time to time, the “Supplemental Revenues Resolution”), provided a supplemental source of funds to the Agency for the payment of principal of and interest on the Bonds and to make certain other deposits required in respect of the Bonds, and, in furtherance of this end, the City pledged the Supplemental Revenues (as defined in the Supplemental Revenues Resolution) to the payment of the principal of and interest on the Bonds and to make such other deposits as are required in respect of the Bonds, on the basis provided in the Supplemental Revenues Resolution and in the Bond Resolution; and

WHEREAS, the Agency now intends to issue its (i) Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village) (the “Series 2005A Bonds”), in the principal amount not to exceed \$58,000,000, and (ii) Tax Increment Revenue Refunding Bonds, Series 2005B (City Center/Historic Convention Village) (the “Series 2005B Bonds,” and together with the Series 2005A Bonds, the “Series 2005 Bonds”), in the principal amount not to exceed \$35,000,000, as refunding Bonds pursuant to Section 304(H) of the Original Agency Resolution and a resolution supplemental thereto adopted by the Agency Commission on July 27, 2005 (the “Series 2005 Agency Resolution”), a copy of which Series 2005 Agency Resolution is attached hereto as Exhibit A and made a part hereof, for the principal purpose of refunding all or a portion of the Prior Bonds currently Outstanding, as more particularly described in the Series 2005 Agency Resolution, which Series 2005 Bonds shall be “additional parity Bonds” and “Bonds” under the Bond Resolution and “Bonds” under the Supplemental Revenues Resolution and shall be secured under the Bond Resolution and the Supplemental Revenues Resolution on a parity with the Prior Bonds to be Outstanding after the

issuance of the Series 2005 Bonds and any other Bonds hereinafter issued under the Bond Resolution; and

WHEREAS, the City desires to confirm its pledge under the Supplemental Revenues Resolution; and

WHEREAS, the City further desires to provide certain covenants for the benefit of MBIA Insurance Corporation (“MBIA”) as the issuer of the Series 2005 Bond Insurance Policy and the Series 2005 Reserve Policy (as such terms are defined in the Series 2005 Agency Resolution); and

WHEREAS, the City further desires to authorize and approve the issuance of the Series 2005 Bonds by the Agency, in accordance with the requirements of the Act; and

WHEREAS, the City also desires to covenant to provide continuing disclosure in connection with the Series 2005 Bonds in accordance with Securities and Exchange Commission Rule 15c2-12 (the “Rule”).

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

Section 1. The above recitals are incorporated herein as findings. All terms used in capitalized form herein and not defined shall have the meanings set forth in the Bond Resolution (including the Series 2005 Agency Resolution) and the Supplemental Revenues Resolution.

Section 2. This Resolution is adopted pursuant to the Act and Chapter 166, Part II, Florida Statutes, as amended, and other applicable provisions of law.

Section 3. In consideration of the acceptance of the Bonds by those who shall own the same from time to time and the issuance of the Series 2005 Bond Insurance Policy and the Series 2005 Reserve Policy by MBIA, this Resolution shall be deemed to constitute a contract between the City, MBIA and the owners of the Bonds and the covenants and agreements herein set forth

to be performed by the City shall be for the benefit, protection and security of MBIA and the owners of any and all such Bonds, all of which Bonds shall be of equal rank and without preference, priority or distinction of any of the Bonds over any other of the Bonds; provided, however, that the covenants contained in Section 5 below shall be solely for the benefit of MBIA.

Section 4. Subject to the release provisions of Section 7 of the Supplemental Revenues Resolution, the City hereby confirms the pledge and application of Supplemental Revenues in connection with Bonds issued under the Bond Resolution from time to time as provided in the Supplemental Revenues Resolution.

Section 5. Subject to the release provisions of Section 7 of the Supplemental Revenues Resolution, and solely for the benefit of MBIA:

- (a) the City agrees to comply with the covenants for the benefit of MBIA applicable to the City contained in the Series 2005 Agency Resolution and the Series 2005 Insurance Agreement;
- (b) the City agrees that its obligation to fund deficiencies in the Debt Service Reserve Account from Supplemental Revenues pursuant to Section 5 of the Supplemental Revenues Resolution includes the reimbursement of amounts due MBIA for payments under the Series 2005 Reserve Policy in accordance with the provisions of the Series 2005 Agency Resolution and the Series 2005 Insurance Agreement; and
- (c) the City pledges and grants a lien upon the Supplemental Revenues to MBIA, subordinate to the lien thereon granted for the benefit of Bondholders, Credit Facility providers and Liquidity Facility providers, in order to secure the payment obligations to MBIA described in clause (b) above. The City's obligation to make the payments described in (b) above and the pledge and lien granted under this clause (c) are (i) a "subordinated obligation" under Section 304(G) of the Resort Tax Bond Resolution junior, inferior and subordinate in all respects to the revenue bonds issued by the City pursuant to the Resort Tax Bond Resolution as to lien on and source and security for payment from the Resort Tax Revenues and in all other respects and (ii) junior, inferior and subordinate in all respects to the Bonds and any Supplemental Revenues Bonds as to lien on and source and security for payment from the Supplemental Revenues and in all other respects. For purposes of Chapter 102, Article IV, Section 102-251(a)(3)d. of the City Code (formerly Chapter 41, Article VI, Section 41-68(e)(4) of the City Code) and that certain Agreement dated as of October 1, 2004 between the City and the Greater Miami

Convention and Visitors Bureau, Inc. (the "Bureau"), which replaced and amended certain prior agreements the City had entered into with the Bureau, providing for the promotion of tourism and conventions, as each may be amended from time to time, the payment obligations of the City described in clause (b) above constitute indebtedness of the City secured by the Resort Tax entitled to priority over all payment obligations thereunder.

Section 6. In accordance with the requirements of Sections 163.358(3) and 163.385(1) and (3) of the Act, the issuance by the Agency of (i) the Series 2005A Bonds, in the principal amount not to exceed \$58,000,000, and (ii) the Series 2005B Bonds, in the principal amount not to exceed \$35,000,000, under the provisions of the Bond Resolution, including the Series 2005 Agency Resolution, is hereby authorized and approved by the City Commission.

Section 7. For the benefit of the holders and beneficial owners from time to time of the Series 2005 Bonds, the City agrees, in accordance with the Rule, to provide or cause to be provided such annual financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement, including provisions for enforcement, amendment and termination, the Chief Financial Officer of the City (the "Chief Financial Officer") is hereby authorized and directed to enter into, execute and deliver, in the name and on behalf of the City, a Continuing Disclosure Agreement (the "Series 2005 Continuing Disclosure Agreement") with the Agency and the Trustee, in substantially the form presented at the meeting at which this Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be determined and approved by the Chief Financial Officer, after consultation with the City Attorney. The execution of the Series 2005 Continuing Disclosure Agreement, for and on behalf of the City by the Chief Financial Officer, shall be deemed conclusive evidence of the City's approval of the Series 2005 Continuing Disclosure Agreement. Notwithstanding any other provisions of the Bond Resolution, the Supplemental Revenues Resolution or this Resolution,

any failure by the City or the Agency to comply with any provisions of the Series 2005 Continuing Disclosure Agreement shall not constitute a default under the Bond Resolution, the Supplemental Revenues Resolution or hereunder and the remedies therefor shall be solely as provided in the Series 2005 Continuing Disclosure Agreement.

The Chief Financial Officer is further authorized and directed to establish procedures in order to ensure compliance by the City with the Series 2005 Continuing Disclosure Agreement, including the timely provision of information and notices. Prior to making any filing in accordance with such agreement, the Chief Financial Officer may consult with, as appropriate, the City Attorney or the City's bond counsel. The Chief Financial Officer, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by the City Attorney or the City's bond counsel in determining whether a filing should be made.

Section 8. Nothing in this Resolution shall be construed as constituting a pledge of the City's ad valorem taxing power or of its full faith and credit. The obligations of the City under the Supplemental Revenues Resolution and hereunder shall be a limited obligation of the City payable solely from the Supplemental Revenues pledged under the Supplemental Revenues Resolution and hereunder.

Section 9. The officers and employees of the City are hereby authorized and directed to take all other necessary actions and execute all necessary documents to carry out the provisions of this Resolution and provide for the issuance of the Series 2005 Bonds by the Agency.

Section 10. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**


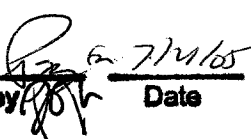
   
\_\_\_\_\_  
City Attorney      Date

EXHIBIT A

SERIES 2005 AGENCY RESOLUTION



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY AUTHORIZING ISSUANCE OF NOT TO EXCEED \$58,000,000 IN PRINCIPAL AMOUNT OF MIAMI BEACH REDEVELOPMENT AGENCY TAX INCREMENT REVENUE REFUNDING BONDS, TAXABLE SERIES 2005A (CITY CENTER/HISTORIC CONVENTION VILLAGE), AND NOT TO EXCEED \$35,000,000 IN PRINCIPAL AMOUNT OF MIAMI BEACH REDEVELOPMENT AGENCY TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2005B (CITY CENTER/HISTORIC CONVENTION VILLAGE), FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE AGENCY, FUNDING ANY NECESSARY DEPOSIT TO THE DEBT SERVICE RESERVE ACCOUNT AND PAYING COSTS OF ISSUANCE AND REFUNDING, ALL PURSUANT TO SECTION 304(H) OF RESOLUTION NO. 150-94 ADOPTED BY THE AGENCY ON JANUARY 5, 1994; PROVIDING THAT SAID SERIES 2005 BONDS AND INTEREST THEREON SHALL BE PAYABLE SOLELY FROM PLEDGED FUNDS; PROVIDING CERTAIN DETAILS OF THE SERIES 2005 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2005 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED TO THE CHAIRMAN, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE SERIES 2005 BONDS; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE CHAIRMAN OF THE SERIES 2005 BONDS TO THE UNDERWRITERS, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE CHAIRMAN TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2005 BONDS AND CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE REFUNDING, DEFEASANCE AND, AS APPLICABLE, REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS AND APPOINTING AN ESCROW AGENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2005 BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AND DELIVER AN AGREEMENT WITH RESPECT THERETO; PROVIDING FOR A CREDIT FACILITY FOR THE SERIES 2005 BONDS; PROVIDING FOR THE SATISFACTION OF ALL OR A PORTION OF THE RESERVE ACCOUNT REQUIREMENT WITH A RESERVE ACCOUNT INSURANCE

POLICY AND APPROVING THE FORM OF AND AUTHORIZING THE CHAIRMAN TO EXECUTE AND DELIVER AN AGREEMENT WITH THE PROVIDER THEREOF; PROVIDING COVENANTS FOR THE PROVIDER OF SUCH CREDIT FACILITY AND RESERVE ACCOUNT INSURANCE POLICY; AND AUTHORIZING OFFICERS AND EMPLOYEES OF THE AGENCY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE SALE AND DELIVERY OF THE SERIES 2005 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED AND OTHER RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Miami Beach Redevelopment Agency (the “Agency”) has heretofore issued its (i) \$25,000,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1993 (City Center/Historic Convention Village), currently Outstanding (as defined in the Original Resolution described below) in the principal amount of \$19,460,000 (the “Outstanding Series 1993 Bonds”), (ii) \$37,500,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Taxable Series 1996A (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$32,630,000 (the “Outstanding Series 1996A Bonds”), (iii) \$7,705,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1996B (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$6,260,000 (the “Outstanding Series 1996B Bonds”), (iv) \$29,105,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Taxable Series 1998A (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$25,560,000 (together with the Outstanding Series 1996A Bonds, the “Outstanding Prior Taxable Bonds”), and (v) \$9,135,000 Miami Beach Redevelopment Agency Tax Increment Revenue Bonds, Series 1998B (City Center/Historic Convention Village), currently Outstanding in the principal amount of \$7,695,000 (together with the Outstanding Series 1993 Bonds and the Outstanding Series 1996B Bonds, the “Outstanding Prior Tax-Exempt Bonds;” the Outstanding Prior Taxable Bonds and the Outstanding Prior Tax-Exempt Bonds are collectively referred to herein as the “Outstanding Prior Bonds”), pursuant to Resolution No. 150-94, adopted by the

Chairman and Members of the Agency (collectively, the "Commission") on January 5, 1994 (the "Original Resolution"), as supplemented (the Original Resolution as amended and supplemented from time to time is referred to herein as the "Bond Resolution"), and Resolution No. 94-21008, adopted by the Mayor and City Commission of the City of Miami Beach, Florida (the "City") on January 5, 1994, as supplemented, to fund the acquisition and clearing of certain property and the construction of certain public improvements in connection with the Agency's redevelopment plan for that portion of the City known as the "City Center/Historic Convention Village Redevelopment and Revitalization Area;" and

WHEREAS, the Agency has determined that as a result of the current low interest rate environment it is financially beneficial to authorize the refunding of all or a portion of the Outstanding Prior Bonds, as shall be determined by the Chairman (as defined in the Original Resolution) in accordance with the provisions of this resolution (the "Series 2005 Resolution") (the Outstanding Prior Taxable Bonds so determined to be refunded are referred to herein as the "Taxable Bonds to be Refunded," the Outstanding Prior Tax-Exempt Bonds so determined to be refunded are referred to herein as the "Tax-Exempt Bonds to be Refunded," and the Taxable Bonds to be Refunded and the Tax-Exempt Bonds to be Refunded are collectively referred to herein as the "Bonds to be Refunded"); and

WHEREAS, Section 304(H) of the Original Resolution provides for the issuance of refunding Bonds, which shall constitute additional parity Bonds under the Bond Resolution, for the purpose of refunding Bonds Outstanding under the Bond Resolution (as all such terms are defined in the Original Resolution); and

WHEREAS, the Agency has determined that it is desirable to issue refunding Bonds (collectively, the "Series 2005 Bonds") pursuant to the provisions of Section 304(H) of the

Original Resolution and this Series 2005 Resolution for the purpose of providing funds, together with any other available funds, to refund the Bonds to be Refunded, fund any necessary deposit to the Debt Service Reserve Account (as defined in the Original Resolution) and pay the costs of such issuance and refunding; and

WHEREAS, the Taxable Bond Act of 1987, being Chapter 159, Part VII, Florida Statutes, as amended (the “Taxable Bond Act”), provides for the issuance by governmental units, including the Agency, of bonds the interest on which is not excludable from gross income for federal income tax purposes; and

WHEREAS, as a result of the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), it is necessary to issue (i) a portion of the Series 2005 Bonds as bonds the interest on which is not excludable from gross income for federal income tax purposes (the “Series 2005A Bonds”) and (ii) the balance of the Series 2005 Bonds as bonds the interest on which is excludable from gross income for federal income tax purposes (the “Series 2005B Bonds”); and

WHEREAS, the Commission has determined that it is in the best interest of the Agency to delegate to the Chairman the determination of various terms of the Series 2005 Bonds and their sale, the determination of the Outstanding Prior Bonds which will constitute the Bonds to be Refunded, the determination of which Bonds to be Refunded will be redeemed prior to maturity, and other actions in connection with the issuance of the Series 2005 Bonds and the refunding of the Bonds to be Refunded, all as provided and subject to the limitations contained herein; and

WHEREAS, the Agency has determined that due to the character of the Series 2005 Bonds, current favorable market conditions, time constraints, the uncertainty inherent in a

competitive bidding process and the recommendations of RBC Dain Rauscher Inc., the financial advisor to the Agency (the “Financial Advisor”), it is in the best interest of the Agency to authorize the negotiated sale of the Series 2005 Bonds; and

WHEREAS, based upon the recommendations of the Financial Advisor, the Agency has further determined to secure two separate financial guaranty insurance policies guaranteeing the scheduled payment of principal of and interest on the corresponding Series (as defined in the Original Resolution) of the Series 2005 Bonds (collectively, the “Series 2005 Bond Insurance Policy”) and a debt service reserve surety bond for deposit to the credit of the Debt Service Reserve Account in satisfaction of all or any portion of the Reserve Account Requirement (as defined in the Original Resolution) (the “Series 2005 Reserve Policy”) from MBIA Insurance Corporation (“MBIA”); and

WHEREAS, each Series 2005 Bond Insurance Policy shall constitute a Credit Facility under the Bond Resolution and the Series 2005 Reserve Policy shall constitute a Reserve Account Insurance Policy under the Bond Resolution; and

WHEREAS, the Commission has found and determined that the issuance of the Series 2005 Bonds and the refunding of the Bonds to be Refunded will serve a valid public purpose;

NOW, THEREFORE, BE IT RESOLVED BY THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY:

Section 1. The above recitals are incorporated herein as findings. This Series 2005 Resolution supplements the Original Resolution. All terms used in capitalized form herein and not defined shall have the meanings set forth in the Bond Resolution.

Section 2. Two Series of refunding Bonds of the Agency are authorized to be issued pursuant to Section 304(H) of the Original Resolution and the authority granted to the Agency by

the Act, including with respect to the Series 2005A Bonds, the Taxable Bond Act. The Series 2005A Bonds shall be issued in a principal amount not to exceed \$58,000,000, shall be designated “Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village)” and shall be issued for the purpose of providing funds, together with any other available funds, to refund the Taxable Bonds to be Refunded, fund any necessary deposit to the Debt Service Reserve Account and pay the costs of such issuance and refunding. The Series 2005B Bonds shall be issued in a principal amount not to exceed \$35,000,000, shall be designated “Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Series 2005B (City Center/Historic Convention Village)” and shall be issued for the purpose of providing funds, together with any other available funds, to refund the Tax-Exempt Bonds to be Refunded, fund any necessary deposit to the Debt Service Reserve Account and pay the costs of such issuance and refunding.

Each Series of the Series 2005 Bonds shall be issued in fully registered form as provided in Section 202 of the Original Resolution, shall be in the denominations of \$5,000 or any integral multiple thereof, shall be issued in such aggregate principal amount, shall be dated and issued at such time, shall be in the form of Serial Bonds and/or Term Bonds, shall have such Interest Payment Dates, shall bear interest at such rates, but not to exceed the maximum rate permitted by law, shall be stated to mature, but not later than December 1, 2022, as to any Term Bonds, shall have Amortization Requirements payable in such amounts and on such dates, and shall be subject to redemption prior to maturity, all as shall be determined by the Mayor, after consultation with the Executive Director and the Financial Advisor, and specified in a certificate of the Chairman executed at the time of the sale of the Series 2005 Bonds (the “Series 2005 Chairman’s Certificate”). Term Bonds, if any, will be callable at par with accrued interest,

without premium, each year in amounts equal to the respective Amortization Requirements therefor.

Section 3. In accordance with the provisions of the Bond Resolution, the Series 2005 Bonds shall be limited obligations of the Agency payable solely from the Pledged Funds which are pledged to the payment thereof in the manner and to the extent provided in the Bond Resolution, and nothing shall be construed as obligating the Agency or the City to pay the principal, interest and premium, if any, thereon except from the Pledged Funds or as pledging the full faith and credit of the Agency or the City or as obligating the Agency or the City, directly or indirectly or contingently, to levy or pledge any form of taxation whatever therefor.

Section 4. It is hereby found and determined that due to the character of the Series 2005 Bonds, current favorable market conditions, time constraints, the uncertainty inherent in a competitive bidding process and the recommendations of the Financial Advisor, the negotiated sale of the Series 2005 Bonds is in the best interest of the Agency. The negotiated sale of the Series 2005 Bonds to Bear, Stearns & Co. Inc. (the "Senior Managing Underwriter") on behalf of itself and Citigroup Global Markets Inc., First Southwest Company and Ramirez & Co., Inc. (collectively with the Senior Managing Underwriter, the "Underwriters") is hereby authorized at a purchase price (not including original issue premium or original issue discount) of not less than 99% of the aggregate principal amount of the Series 2005 Bonds (the "Minimum Purchase Price") and at a true interest cost rate ("TIC") which will result in total present value debt service savings on the Bonds to be Refunded of not less than 3.00% (the "Minimum PVS"). The Chairman, after consultation with the Executive Director and the Financial Advisor, is hereby authorized to award the Series 2005 Bonds to the Underwriters at a purchase price of not less than the Minimum Purchase Price and at a TIC which results in total present value debt service

savings on the Bonds to be Refunded of not less than the Minimum PVS. The execution and delivery of the Series 2005 Bond Purchase Agreement (as hereinafter defined) for and on behalf of the Agency by the Chairman shall be conclusive evidence of the Agency's acceptance of the Underwriters' proposal to purchase the Series 2005 Bonds.

Section 5. Upon compliance with the requirements of Section 218.385, Florida Statutes, by the Underwriters, the Commission hereby authorizes the Chairman to execute and deliver a Bond Purchase Agreement for the Series 2005 Bonds (the "Series 2005 Bond Purchase Agreement") for and on behalf of the Agency, in substantially the form presented at the meeting at which this Series 2005 Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be determined and approved by the Chairman, after consultation with the Executive Director and General Counsel of the Agency. The execution of the Series 2005 Bond Purchase Agreement for and on behalf of the Agency by the Chairman shall be conclusive evidence of the Agency's approval of the Bond Purchase Agreement.

Section 6. The Registrar is hereby authorized and directed to authenticate the Series 2005 Bonds and the Executive Director is hereby authorized to cause the Series 2005 Bonds to be delivered to or upon the order of the Underwriters upon payment of the purchase price, as shall be set forth in the Series 2005 Bond Purchase Agreement, and satisfaction of the conditions contained in Section 304(H) of the Original Resolution.

Section 7. The proposed Preliminary Official Statement (the "Series 2005 Preliminary Official Statement") and Official Statement (the "Series 2005 Official Statement") in connection with the issuance of the Series 2005 Bonds are hereby approved in substantially the form of the Series 2005 Preliminary Official Statement presented at the meeting at which this Series 2005



Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be determined and approved by the Chairman, after consultation with the Executive Director and General Counsel of the Agency. The execution of the Official Statement, for and on behalf of the Agency by the Chairman shall be conclusive evidence of the Agency's approval of the Series 2005 Preliminary Official Statement and the Series 2005 Official Statement. The distribution of said Series 2005 Preliminary Official Statement and Series 2005 Official Statement in connection with the marketing of the Series 2005 Bonds and the execution and delivery of the Series 2005 Official Statement by the Chairman and the Executive Director are hereby authorized. The Chairman or his designee, after consultation with the Executive Director and General Counsel of the Agency, is hereby authorized to make any necessary certifications to the Underwriters regarding a near final or deemed final Series 2005 Official Statement, if and to the extent required by Rule 15c2-12 of the United States Securities and Exchange Commission (the "Rule").

Section 8. The proceeds of each Series of the Series 2005 Bonds (including accrued interest, if any) and, to the extent determined by the Executive Director, amounts on deposit in the Sinking Fund and allocable to the Bonds to be Refunded shall be applied in accordance with Sections 303(b) and 304(H) of the Original Resolution as set forth in the Escrow Deposit Agreements (as hereinafter defined) and a certificate of the Executive Director delivered concurrently with the issuance of the Series 2005 Bonds.

With respect to each Series of the Series 2005 Bonds, there is hereby created a separate account within the Cost of Issuance Fund established under the Original Resolution designated as the "Series 2005A Account" and the "Series 2005B Account," respectively, for the deposit of

proceeds of each such Series of Series 2005 Bonds to be applied to the payment of the applicable costs of issuance and refunding.

In accordance with the provisions of the Bond Resolution, there is created pursuant to each of the Escrow Deposit Agreements a separate Escrow Deposit Trust Fund (as defined in each of the Escrow Deposit Agreements) to be held by the Escrow Agent (as hereinafter defined), for the deposit of proceeds of each such Series of Series 2005 Bonds and other available moneys to be applied as provided in each of the Escrow Deposit Agreements.

Section 9. Upon issuance of the Series 2005 Bonds and solely for accounting purposes, the Trustee is hereby authorized to establish separate subaccounts with respect to each Series of Bonds Outstanding under the Bond Resolution within each account of the Sinking Fund in order to permit compliance with the arbitrage rebate requirements under the Code relating to each Series of tax-exempt Bonds issued under the Bond Resolution.

Section 10. The Series 2005 Bonds shall be executed in the form and manner provided in the Bond Resolution. The Series 2005 Bonds are hereby authorized to be issued initially in book-entry form and registered in the name of The Depository Trust Company, New York, New York ("DTC"), or its nominee which will act as securities depository for the Series 2005 Bonds. The Executive Director is hereby authorized and directed to execute any necessary letters of representations with DTC and, notwithstanding the provisions of the Bond Resolution, to do all other things, comply with all requirements and execute all other such documents as are incidental to such book-entry system. In the event a book-entry system for the Series 2005 Bonds ceases to be in effect, the Series 2005 Bonds shall be issued in fully registered form without coupons.

Section 11. The refunding, defeasance and, as applicable, redemption of the Bonds to be Refunded is hereby authorized and approved. The Chairman, after consultation with the

Executive Director and the Financial Advisor, is hereby authorized to determine the Outstanding Prior Bonds which will constitute the Bonds to be Refunded and the Bonds to be Refunded which will be redeemed prior to maturity, all as shall be set forth in the Escrow Deposit Agreements. The Chairman is hereby authorized to execute and deliver (i) an Escrow Deposit Agreement to provide for the defeasance, payment and, as applicable, redemption of the Taxable Bonds to be Refunded and (ii) an Escrow Deposit Agreement to provide for the defeasance, payment and, as applicable, redemption of the Tax-Exempt Bonds to be Refunded (collectively, the "Escrow Deposit Agreements"), each with Wachovia Bank, National Association, which is hereby appointed escrow agent with respect to the Bonds to be Refunded (the "Escrow Agent"), in substantially the forms presented at the meeting at which this Series 2005 Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be determined and approved by the Chairman, after consultation with the Executive Director and General Counsel of the Agency. The purchase of Defeasance Obligations from the proceeds of the Series 2005 Bonds and other available moneys in order to provide for the defeasance, payment and, as applicable, redemption of the Bonds to be Refunded is hereby authorized and approved. The execution and delivery of the Escrow Deposit Agreements by the Chairman shall be conclusive evidence of the City's approval of the Outstanding Prior Bonds which will constitute the Bonds to be Refunded, the redemption prior to maturity of any Bonds to be Refunded, the Escrow Deposit Agreements and the purchase of the Defeasance Obligations.

Section 12. For the benefit of the holders and beneficial owners from time to time of the Series 2005 Bonds, the Agency agrees, in accordance with the Rule, to provide or cause to be provided such annual financial information and operating data, financial statements and notices,

in such manner, as may be required for purposes of paragraph (b)(5) of the Rule. In order to describe and specify certain terms of the Agency's continuing disclosure agreement, including provisions for enforcement, amendment and termination, the Executive Director is hereby authorized and directed to enter into, execute and deliver, in the name and on behalf of the Agency, a Continuing Disclosure Agreement (the "Series 2005 Continuing Disclosure Agreement") with the City and the Trustee, in substantially the form presented at the meeting at which this Series 2005 Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be determined and approved by the Executive Director, after consultation with General Counsel of the Agency. The execution of the Series 2005 Continuing Disclosure Agreement, for and on behalf of the Agency by the Executive Director, shall be deemed conclusive evidence of the Agency's approval of the Series 2005 Continuing Disclosure Agreement. Notwithstanding any other provisions of the Bond Resolution, including this Series 2005 Resolution, any failure by the Agency or the City to comply with any provisions of the Series 2005 Continuing Disclosure Agreement shall not constitute a default under the Bond Resolution and the remedies therefor shall be solely as provided in the Series 2005 Continuing Disclosure Agreement.

The Executive Director is further authorized and directed to establish, or cause to be established, procedures in order to ensure compliance by the Agency with the Series 2005 Continuing Disclosure Agreement, including the timely provision of information and notices. Prior to making any filing in accordance with such agreement, the Executive Director may consult with, as appropriate, General Counsel of the Agency or the Agency's bond counsel. The Executive Director, acting in the name and on behalf of the Agency, shall be entitled to rely upon

any legal advice provided by General Counsel of the Agency or the Agency's bond counsel in determining whether a filing should be made.

Section 13. The Agency is hereby authorized to secure the Series 2005 Bond Insurance Policy guaranteeing the scheduled payment of principal of and interest on the Series 2005 Bonds and to pay the premiums with respect thereto. Each Series 2005 Bond Insurance Policy shall constitute a Credit Facility under the Bond Resolution.

For so long as the Series 2005 Bond Insurance Policy is in effect and MBIA has not defaulted in its obligations thereunder, and notwithstanding any provisions to the contrary contained in the Bond Resolution, the Agency, the Trustee, the Paying Agent, the Registrar and the Holders of the Series 2005 Bonds, as applicable, covenant and agree, but solely for the benefit of MBIA, as follows:

- (a) In connection with the issuance of additional parity Bonds under the Bond Resolution, the Agency shall deliver to MBIA a copy of the disclosure document, if any, circulated with respect to such additional parity Bonds.
- (b) MBIA will be deemed the Bondholder of all Series 2005 Bonds under the Bond Resolution, in lieu of the registered owners thereof, for purposes of (i) consenting to the adoption of any supplemental resolution which requires the consent of Bondholders pursuant to the Bond Resolution and (ii) exercising any rights and remedies granted to the Bondholders of the Series 2005 Bonds under the Bond Resolution upon the occurrence of a default thereunder; provided, however, that MBIA shall not have the right to decrease the amount of principal or interest due and owing on the Series 2005 Bonds or extend the dates of payment of installments of principal of and interest on the Series 2005 Bonds.
- (c) The Agency shall provide MBIA and Standard & Poor's Ratings Services ("S&P") with a copy of all supplemental resolutions adopted pursuant to the Bond Resolution.
- (d) Defeasance Obligations in connection with any defeasance of the Series 2005 Bonds shall be limited to:
  - 1. U.S. Treasury Certificates, Notes and Bonds (including State and Local Government Series--"SLGS").

2. Direct obligations of the Treasury which have been stripped by the Treasury itself, CATS, TIGRS and similar securities.
  3. The interest component of Resolution Funding Corp. securities ("REFCORP") which have been stripped by request to the Federal Reserve Bank of New York in book entry form.
  4. Pre-refunded municipal bonds rated "Aaa" by Moody's Investors Service, Inc. ("Moody's") and "AAA" by S&P. If however, the issue is only rated by S&P (i.e., there is no Moody's rating), then the pre-refunded bonds must have been pre-refunded with cash, direct U.S. or U.S. guaranteed obligations, or AAA rated pre-refunded municipals.
  5. Obligations issued by the following agencies which are backed by the full faith and credit of the U.S.:
    - a. U.S. Export-Import Bank (Eximbank)  
Direct obligations or fully guaranteed certificates of beneficial ownership
    - b. Farmers Home Administration (FmHA)  
Certificates of beneficial ownership
    - c. Federal Financing Bank
    - d. General Services Administration  
Participation certificates
    - e. U.S. Maritime Administration  
Guaranteed Title XI financing
    - f. U.S. Department of Housing and Urban Development (HUD)  
Project Notes  
Local Authority Bonds  
New Communities Debentures - U.S. government guaranteed debentures  
U.S. Public Housing Notes and Bonds - U.S. government guaranteed public housing notes and bonds.
- (e) Permitted Investments under the Bond Resolution shall be limited to:
1. Direct obligations of the United States of America (including obligations issued or held in book-entry form on the books of the Department of the Treasury, and CATS and TIGRS) or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America.

2. Bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following federal agencies and provided such obligations are backed by the full faith and credit of the United States of America (stripped securities only if they have been stripped by the agency itself):
  - a. U.S. Export-Import Bank (Eximbank)  
Direct obligations or fully guaranteed certificates of beneficial ownership
  - b. Farmers Home Administration (FmHA)  
Certificates of beneficial ownership
  - c. Federal Financing Bank
  - d. Federal Housing Administration Debentures (FHA)
  - e. General Services Administration  
Participation certificates
  - f. Government National Mortgage Association (GNMA or Ginnie Mae)  
GNMA - guaranteed mortgage-backed bonds  
GNMA - guaranteed pass-through obligations
  - g. U.S. Maritime Administration  
Guaranteed Title XI financing
  - h. U.S. Department of Housing and Urban Development (HUD)  
Project Notes  
Local Authority Bonds  
New Communities Debentures - U.S. government guaranteed debentures  
U.S. Public Housing Notes and Bonds - U.S. government guaranteed public housing notes and bonds.
3. Bonds, debentures, notes or other evidence of indebtedness issued or guaranteed by any of the following non-full faith and credit U.S. government agencies (stripped securities only if they have been stripped by the agency itself):
  - a. Federal Home Loan Bank System  
Senior debt obligations
  - b. Federal Home Loan Mortgage Corporation (FHLMC or Freddie Mac)  
Participation Certificates  
Senior debt obligations

- c. Federal National Mortgage Association (FNMA or Fannie Mae)  
Mortgage-backed securities and senior debt obligations
  - d. Student Loan Marketing Association (SLMA or Sallie Mae)  
Senior debt obligations
  - e. Resolution Funding Corp. (REFCORP) Obligations
  - f. Farm Credit System  
Consolidated systemwide bonds and notes
4. Money market funds registered under the Federal Investment Company Act of 1940, whose shares are registered under the Federal Securities Act of 1933, and having a rating by S&P of AAAm-G, AAAm, or Aam and if rated by Moody's, having a rating by Moody's of Aaa, Aa1 or Aa2.
  5. Certificates of deposit secured at all times by collateral described in (1) and/or (2) above. Such certificates must be issued by commercial banks, savings and loan associations or mutual savings banks. The collateral must be held by a third party and the Bondholders must have a perfected first security interest in the collateral.
  6. Certificates of deposit, savings accounts, deposit accounts or money market deposits which are fully insured by the Federal Deposit Insurance Corporation.
  7. Investment agreements acceptable to MBIA.
  8. Commercial paper rated, at the time of purchase, "Prime-1" by Moody's and "A-1" or better by S&P.
  9. Bonds or notes issued by any state or municipality which are rated by Moody's and S&P in one of the two highest rating categories assigned by such agencies.
  10. Federal funds or bankers acceptances with a maximum term of one year of any bank which has an unsecured, uninsured and unguaranteed obligation rating of "Prime-1" or "A3" or better by Moody's and "A-1" or "A" or better by S&P.
  11. Repurchase agreements for 30 days or less which satisfy the following criteria or which exceed 30 days as are otherwise approved by MBIA:
    1. Entered into by the Agency or the Trustee, as applicable, with:
      - a. Primary dealers on the Federal Reserve reporting dealer list which are rated A or better by S&P and Moody's.



- b. Banks rated “A” or above by S&P and Moody’s.
  - 2. The repurchase agreement includes the following:
    - a. Securities which are acceptable for transfer are:
      - (1) Direct U.S. government obligations, or
      - (2) Federal agencies backed by the full faith and credit of the U.S. government (and FNMA & FHLMC).
    - b. The term of the repurchase may be up to 30 days.
    - c. The collateral must be delivered to the Agency, the Trustee or a third party acting as agent simultaneous with payment (perfection by possession of certificated securities).
    - d. Valuation of collateral:
      - (1) The securities must be valued weekly marked-to-market at current market price plus accrued interest; and
      - (2) The value of collateral must be equal to 104% of the amount of cash transferred by the Agency or the Trustee, as applicable, to the dealer bank or security firm plus accrued interest. If the value of securities held as collateral falls below 104% of the value of the cash transferred by the Agency or the Trustee, as applicable, then additional cash or acceptable securities must be transferred by the dealer bank or security firm. If, however, the securities used as collateral are FNMA or FHLMC, then the value of collateral must equal 105%.
  - 3. A legal opinion must be delivered to the Agency to the effect that the repurchase agreement meets guidelines under State of Florida law for legal investment of public funds.
- 12. Any State of Florida administered pool investment fund in which the City is statutorily permitted or required to invest.
- (f) Investments of moneys held under the Debt Service Reserve Account shall be valued at fair market value, marked to market at least once per year and have maturities not exceeding five (5) years except for investment agreements approved by MBIA.

- (g) The Trustee, the Paying Agent and the Registrar must each be a commercial bank with trust powers.
- (h) The Agency shall provide MBIA notice of the resignation or removal of the Trustee, the Paying Agent or the Registrar and the appointment of a successor thereto.
- (i) MBIA shall receive copies of all notices required to be delivered to Bondholders of the Series 2005 Bonds under the Bond Resolution and, on an annual basis, copies of the Agency's audited financial statements and annual budget.
- (j) All notices required to be given to MBIA shall be in writing and shall be sent by registered or certified mail addressed as follows:

MBIA Insurance Corporation  
113 King Street  
Armonk, New York 10504  
Attention: Surveillance

- (k) The Trustee shall, not later than the third business day preceding each payment date on the Series 2005 Bonds, transfer from moneys on deposit in the applicable Accounts to the Paying Agent the amounts necessary to pay the principal of and interest on the Series 2005 Bonds. In the event that, on the second business day, and again on the business day, prior to the payment date on the Series 2005 Bonds, the Paying Agent has not received sufficient moneys to pay all principal of and interest on the Series 2005 Bonds due on the second following or following, as the case may be, business day, the Paying Agent shall immediately notify MBIA or its designee on the same business day by telephone or telecopy, confirmed in writing by registered or certified mail, of the amount of the deficiency. If the deficiency is made up in whole or in part prior to or on the payment date, the Paying Agent shall so notify MBIA or its designee.

In addition, if the Paying Agent has notice that any Bondholder has been required to disgorge payments of principal or interest on the Series 2005 Bonds to a trustee in bankruptcy or creditors or other pursuant to a final judgment by a court of competent jurisdiction that such payment constitutes a voidable preference to such Bondholder within the meaning of any applicable bankruptcy laws, then the Paying Agent shall notify MBIA or its designee of such fact by telephone or telegraphic notice, confirmed in writing by registered or certified mail.

- (l) The Paying Agent is hereby irrevocably designated, appointed, directed and authorized to act as attorney-in-fact for Bondholders of the Series 2005 Bonds as follows:
  1. If and to the extent there is a deficiency in amounts required to pay interest on the Series 2005 Bonds, the Paying Agent shall (a) execute and deliver to U.S. Bank Trust National Association, or its successors under the Bond Insurance Policy (the "Insurance Paying Agent"), in form satisfactory to

the Insurance Paying Agent, an instrument appointing MBIA as agent for such Bondholders in any legal proceeding related to the payment of such interest and an assignment to MBIA of the claims for interest to which such deficiency relates and which are paid by MBIA, (b) receive as designee of the respective Bondholders (and not as Paying Agent) in accordance with the tenor of the Series 2005 Bond Insurance Policy payment from the Insurance Paying Agent with respect to the claims for interest so assigned and (c) disburse the same to such respective bondholders; and

2. If and to the extent of a deficiency in amounts required to pay principal of the Series 2005 Bonds, the Paying Agent shall (a) execute and deliver to the Insurance Paying Agent in form satisfactory to the Insurance Paying Agent an instrument appointing MBIA as agent for such Bondholder in any legal proceeding relating to the payment of such principal and assignment to MBIA of any of the Series 2005 Bonds surrendered to the Insurance Paying Agent of so much of the principal amount thereof as has not previously been paid or for which moneys are not held by the Paying Agent and available for such payment (but such assignment shall be delivered only if payment from the Insurance Paying Agent is received), (b) receive as designee of the respective Bondholders (and not as Paying Agent) in accordance with the tenor of the Series 2005 Bond Insurance Policy payment therefor from the Insurance Paying Agent, and (c) disburse the same to such Bondholders.
- (m) Payments with respect to claims for interest on and principal of Series 2005 Bonds disbursed by the Paying Agent from proceeds of the Series 2005 Bond Insurance Policy shall not be considered to discharge the obligation of the Agency with respect to such Series 2005 Bonds, and MBIA shall become the owner of such unpaid Series 2005 Bonds and claims for the interest in accordance with the tenor of the assignment made to it under the provisions of this section or otherwise.
- (n) Irrespective of whether any such assignment is executed and delivered, the Agency, the Trustee, the Paying Agent and the Registrar hereby agree for the benefit of MBIA that:
1. They recognize that to the extent MBIA makes payments, directly or indirectly (as by paying through the Paying Agent), on account of principal of or interest on the Series 2005 Bonds, MBIA will be subrogated to the rights of such Bondholders to receive the amount of such principal and interest from the Agency, with interest thereon as provided and solely from the sources stated in the Bond Resolution and the Series 2005 Bonds; and
  2. They will accordingly pay to MBIA the amount of such principal and interest (including principal and interest recovered under subparagraph (ii)

of the first paragraph of the Series 2005 Bond Insurance Policy, which principal and interest shall be deemed past due and not to have been paid), with interest thereon as provided in the Bond Resolution and the Series 2005 Bonds, but only from the sources and in the manner provided in the Bond Resolution for the payment of principal of and interest on the Series 2005 Bonds to Bondholders, and will otherwise treat MBIA as the owner of such rights to the amount of such principal and interest.

Section 14. The Agency is hereby authorized to satisfy all or a portion of the Reserve Account Requirement with the deposit of the Series 2005 Reserve Policy to the credit of the Debt Service Reserve Account, to pay the premium with respect thereto and, subject to the provisions of the Bond Resolution, to apply any moneys released from the Debt Service Reserve Account as a result of the deposit of the Series 2005 Reserve Policy therein as shall be provided in the Series 2005 Chairman's Certificate. The Commission hereby approves the form of a Financial Guaranty Agreement to be entered into between the Agency and MBIA (the "Series 2005 Insurance Agreement"), a copy of which draft form of Series 2005 Insurance Agreement has been presented at the meeting at which this Series 2005 Resolution was considered. The Chairman is hereby authorized to execute the Series 2005 Insurance Agreement in substantially the form presented at the meeting at which this Series 2005 Resolution was considered, subject to such changes, modifications, insertions and omissions and such filling-in of blanks therein as may be necessary to secure delivery of the Series 2005 Reserve Policy. The execution and delivery by the Chairman of the Series 2005 Insurance Agreement for and on behalf of the Agency shall be conclusive evidence of the Agency's approval of the Series 2005 Insurance Agreement.

For so long as the Series 2005 Reserve Policy is in effect and MBIA has not defaulted in its obligations thereunder, and notwithstanding any provisions to the contrary contained in the Bond Resolution, the Agency, the Trustee, the Paying Agent, the Registrar and the Holders of

the Series 2005 Bonds, as applicable, covenant and agree, but solely for the benefit of MBIA, as follows:

- (a) A Reserve Account Insurance Policy or Reserve Account Letter of Credit shall be limited to (i) those facilities issued by an insurance company rated in the highest rating category by Moody's and S&P and, if rated by A.M. Best & Company, rated in the highest rating category by A.M. Best & Company or (ii) such other facilities authorized under the Bond Resolution and approved by MBIA.
- (b) Net Trust Fund Revenues shall be applied under the provisions of Section 304(D)(3) of the Original Resolution and Supplemental Revenues shall be applied under the provisions of the Supplemental Revenues Resolution first, to reimburse MBIA for any payments made under the Series 2005 Reserve Policy, thereby reinstating the Series 2005 Reserve Policy, and second, for deposit with the Trustee of any cash required to be deposited in the Debt Service Reserve Account after taking into account the amounts available under all Reserve Account Insurance Policies and/or Reserve Account Letters of Credit, including the Series 2005 Reserve Policy; provided, however, that if reimbursements are also due to issuers of other Reserve Account Insurance Policies or Reserve Account Letters of Credit, the reimbursements to MBIA and such other providers shall be paid on a pro-rata basis.
- (c) The Paying Agent shall deliver a "Demand for Payment" in the form attached to the Series 2005 Reserve Policy at least three days prior to the date on which funds are required.
- (d) The Paying Agent shall maintain adequate records, verified with MBIA, as to the amount available to be drawn at any given time under the Series 2005 Reserve Policy.

In addition, so long as amounts are due and owing to MBIA under the Series 2005 Insurance Agreement, the Agency, the Trustee, the Paying Agent, the Registrar and the Holders of the Series 2005 Bonds, as applicable, covenant and agree, but solely for the benefit of MBIA, as follows:

- (a) The Agency hereby pledges and grants a lien upon the Pledged Funds, subordinate to the lien thereon granted for the benefit of Bondholders, Credit Facility providers and Liquidity Facility providers under the provisions of the Bond Resolution, in order to secure the Agency's payment obligations under the Series 2005 Insurance Agreement. Such payment obligations under the Series 2005 Insurance Agreement are junior, inferior and subordinate in all respects to the Bonds as to lien on and source and security for payment from the Pledged Funds and in all other respects.

- (b) The Original Resolution and this Series 2005 Resolution shall not be discharged until all amounts due and payable to MBIA have been paid in full or provision for their payment in full has been made.
- (c) The Agency shall maintain adequate records, verified by MBIA, as to the amounts paid and owing to MBIA under the terms of the Series 2005 Insurance Agreement.
- (d) The Agency shall not optionally redeem any Bonds or apply Net Trust Fund Revenues pursuant to Section 304(D)(5) of the Original Resolution, other than for the payments required in clauses (1) through (4) of said Section 304(D), unless the Agency is current in all of its payment obligations under the Series 2005 Insurance Agreement.

Section 15. The appointment of Wachovia Bank, National Association, successor to First Union National Bank of Florida, as Trustee, Paying Agent and Registrar for the Bonds is hereby confirmed.

Section 16. The officers, agents and employees of the Agency, Trustee, Registrar, Paying Agent and Escrow Agent are hereby authorized and directed to do all acts and things required of them by the provisions of the Series 2005 Bonds, the Bond Resolution, the Series 2005 Bond Purchase Agreement, the Escrow Deposit Agreements, the Series 2005 Continuing Disclosure Agreement, the Series 2005 Bond Insurance Policy, the Series 2005 Reserve Policy, the Series 2005 Insurance Agreement and this Series 2005 Resolution, for the full, punctual and complete performance of all the terms, covenants, provisions and agreements of the Series 2005 Bonds, the Bond Resolution, the Series 2005 Bond Purchase Agreement, the Escrow Deposit Agreements, the Series 2005 Continuing Disclosure Agreement, the Series 2005 Bond Insurance Policy, the Series 2005 Reserve Policy, the Series 2005 Insurance Agreement and this Series 2005 Resolution.

Section 17. This Series 2005 Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005.

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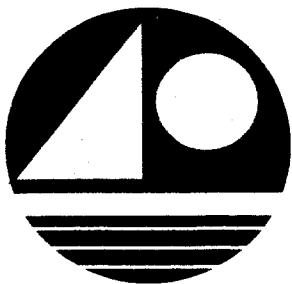
Chairman

(Seal)

Attest:

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Secretary



# MIAMI BEACH REDEVELOPMENT AGENCY AND CITY OF MIAMI BEACH, FLORIDA

## NOTICE OF PROPOSED ISSUANCE OF REDEVELOPMENT REVENUE REFUNDING BONDS

Notice is hereby given in accordance with the provisions of Sections 163.346 and 166.041(3)(a), Florida Statutes, as amended, that the Chairman and Members of the Miami Beach Redevelopment Agency (the "Agency") and Mayor and City Commission of the City of Miami Beach, Florida (the "City") will, as applicable, consider the adoption of the following resolutions providing for the issuance by the Agency of (i) not to exceed \$58,000,000 principal amount of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Taxable Series 2005A (City Center/Historic Convention Village), and (ii) not to exceed \$35,000,000 principal amount of Miami Beach Redevelopment Agency Tax Increment Revenue Refunding Bonds, Series 2005B (City Center/Historic Convention Village), at a meeting to be held on **Wednesday, July 27, 2005 at 10:00 a.m.**, or as soon thereafter as the matter may be heard. The meeting will be held in the City Commission Chambers, 1700 Convention Center Drive, Miami Beach, Florida and any interested person may appear at the meeting and be heard with respect to the proposed resolutions.

Copies of the proposed resolutions may be inspected by the public at the office of the City Clerk, 1700 Convention Center Drive, Miami Beach, Florida during regular working hours, 9:00 a.m. to 4:00 p.m., Monday through Friday.

The titles of the proposed resolutions are as follows:

### AGENCY RESOLUTION

A RESOLUTION OF THE CHAIRMAN AND MEMBERS OF THE MIAMI BEACH REDEVELOPMENT AGENCY AUTHORIZING ISSUANCE OF NOT TO EXCEED \$58,000,000 IN PRINCIPAL AMOUNT OF MIAMI BEACH REDEVELOPMENT AGENCY TAX INCREMENT REVENUE REFUNDING BONDS, TAXABLE SERIES 2005A (CITY CENTER/HISTORIC CONVENTION VILLAGE), AND NOT TO EXCEED \$35,000,000 IN PRINCIPAL AMOUNT OF MIAMI BEACH REDEVELOPMENT AGENCY TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2005B (CITY CENTER/HISTORIC CONVENTION VILLAGE), FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING BONDS OF THE AGENCY, FUNDING ANY NECESSARY DEPOSIT TO THE DEBT SERVICE RESERVE ACCOUNT AND PAYING COSTS OF ISSUANCE AND REFUNDING, ALL PURSUANT TO SECTION 304(H) OF RESOLUTION NO. 150-94 ADOPTED BY THE AGENCY ON JANUARY 5, 1994; PROVIDING THAT SAID SERIES 2005 BONDS AND INTEREST THEREON SHALL BE PAYABLE SOLELY FROM PLEDGED FUNDS; PROVIDING CERTAIN DETAILS OF THE SERIES 2005 BONDS; DELEGATING OTHER DETAILS AND MATTERS IN CONNECTION WITH THE ISSUANCE OF THE SERIES 2005 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED TO THE CHAIRMAN, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; AUTHORIZING A BOOK-ENTRY REGISTRATION SYSTEM FOR THE SERIES 2005 BONDS; AUTHORIZING THE NEGOTIATED SALE AND AWARD BY THE CHAIRMAN OF THE SERIES 2005 BONDS TO THE UNDERWRITERS, WITHIN THE LIMITATIONS AND RESTRICTIONS STATED HEREIN; APPROVING THE FORM OF AND AUTHORIZING THE CHAIRMAN TO EXECUTE AND DELIVER A BOND PURCHASE AGREEMENT; APPROVING THE FORM OF AND DISTRIBUTION OF A PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT AND AUTHORIZING THE EXECUTION AND DELIVERY OF THE OFFICIAL STATEMENT; PROVIDING FOR THE APPLICATION OF THE PROCEEDS OF THE SERIES 2005 BONDS AND CREATING CERTAIN FUNDS AND ACCOUNTS; AUTHORIZING THE REFUNDING, DEFEASANCE AND, AS APPLICABLE, REDEMPTION OF THE BONDS TO BE REFUNDED; APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF ESCROW DEPOSIT AGREEMENTS AND APPOINTING AN ESCROW AGENT; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH THE SERIES 2005 BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE AND DELIVER AN AGREEMENT WITH RESPECT THERETO; PROVIDING FOR A CREDIT FACILITY FOR THE SERIES 2005 BONDS; PROVIDING FOR THE SATISFACTION OF ALL OR A PORTION OF THE RESERVE ACCOUNT REQUIREMENT WITH A RESERVE ACCOUNT INSURANCE POLICY AND APPROVING THE FORM OF AND AUTHORIZING THE CHAIRMAN TO EXECUTE AND DELIVER AN AGREEMENT WITH THE PROVIDER THEREOF; PROVIDING COVENANTS FOR THE PROVIDER OF SUCH CREDIT FACILITY AND RESERVE ACCOUNT INSURANCE POLICY; AND AUTHORIZING OFFICERS AND EMPLOYEES OF THE AGENCY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION WITH THE SALE AND DELIVERY OF THE SERIES 2005 BONDS AND THE REFUNDING OF THE BONDS TO BE REFUNDED AND OTHER RELATED MATTERS; AND PROVIDING FOR AN EFFECTIVE DATE.

### CITY RESOLUTION

\* A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, REGARDING A CERTAIN GEOGRAPHIC AREA WITHIN THE CITY OF MIAMI BEACH CALLED THE CITY CENTER/HISTORIC CONVENTION VILLAGE REDEVELOPMENT AND REVITALIZATION AREA, DESCRIBED GENERALLY AS BEING BOUNDED ON THE EAST BY THE ATLANTIC OCEAN, ON THE NORTH BY 24TH STREET, ON THE WEST BY WEST AVENUE AND ON THE SOUTH BY 14TH LANE; CONFIRMING THE PLEDGE FOR THE BENEFIT OF ALL BONDS (AS DEFINED HEREIN) OF PROCEEDS OF THE RESORT TAX LEVIED BY THE CITY TO THE EXTENT PROVIDED IN RESOLUTION NO. 94-21008 ADOPTED BY THE CITY ON JANUARY 5, 1994; AUTHORIZING THE ISSUANCE BY THE MIAMI BEACH REDEVELOPMENT AGENCY OF NOT TO EXCEED \$58,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, TAXABLE SERIES 2005A (CITY CENTER/HISTORIC CONVENTION VILLAGE), AND NOT TO EXCEED \$35,000,000 TAX INCREMENT REVENUE REFUNDING BONDS, SERIES 2005B (CITY CENTER/HISTORIC CONVENTION VILLAGE), IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 163, PART III, FLORIDA STATUTES, AS AMENDED; COVENANTING TO PROVIDE CONTINUING DISCLOSURE IN CONNECTION WITH SAID SERIES 2005 BONDS IN ACCORDANCE WITH SECURITIES AND EXCHANGE COMMISSION RULE 15c2-12 AND AUTHORIZING THE CHIEF FINANCIAL OFFICER TO EXECUTE AND DELIVER AN AGREEMENT WITH RESPECT THERETO; AND AUTHORIZING OFFICERS AND EMPLOYEES OF THE CITY TO TAKE ALL NECESSARY ACTIONS IN CONNECTION THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, the Agency and the City hereby advise the public that: if a person decides to appeal any decision made by any board, agency or commission with respect to any matter considered at its meeting or its hearing, such person must insure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the Agency or the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding, or to request information on access for persons with disabilities, or to request this publication in accessible format, or to request sign language interpreters, should contact the City Clerk's office at (305) 673-7411, no later than four (4) days prior to the proceeding. If hearing impaired, contact the City Clerk's office via the Florida Relay Service numbers, (800) 955-8771, (TTY) OR (800) 955-8770 (VOICE).

Ad #322



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## R7 - Resolutions

R7C A Resolution Setting 1) The Proposed Operating Millage Rate; 2) The Required Debt Service Millage Rate; 3) The Calculated "Rolled-Back" Rate; And, 4) The Date, Time, And Place Of The First Public Hearing To Consider The Millage Rates And Budgets For Fiscal Year (FY) 2005/06; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes.

(Budget Department)

**(Commission Memorandum and Resolution Distributed in Separate Document)**

AGENDA ITEM R7C  
DATE 7-27-05

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CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting The Proposed General Operating Millage Rate Of 0.814 Mills For The Normandy Shores Neighborhood Improvement District; The Calculated Rolled-Back Rate Of 0.899 Mills; And The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2005/06 Scheduled On Thursday, September 8, 2005 At 5:02 P.M.

**Issue:**

Shall the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which sets the Proposed General Operating Millage Rate; the Calculated Rolled-Back Rate; and sets the date, time and place for the first public hearing.


**Item Summary/Recommendation:**

Adopt the Resolution.

**Advisory Board Recommendation:**

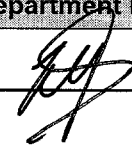
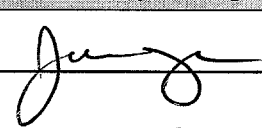
**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

  
Finance Dept.

**City Clerk's Office Legislative Tracking:**

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

AGENDA ITEM

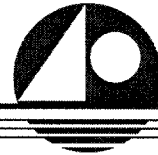
R7D

DATE

7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT SETTING 1) THE PROPOSED GENERAL OPERATING MILLAGE RATE FOR THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT DISTRICT; 2) THE CALCULATED ROLLED-BACK RATE; AND, 3) THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE OPERATING MILLAGE RATE AND BUDGET FOR FISCAL YEAR (FY) 2005/06; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES**

### ADMINISTRATION RECOMMENDATION

The Administration recommends that the Mayor and City Commission, acting in its capacity as the Board of Directors for the Normandy Shores Local Government Neighborhood Improvement District, adopt the attached resolution which authorizes the City Manager to transmit the following information to the Miami-Dade County Property Appraiser:

- 1) Proposed Operating Millage Rate of the Normandy Shores Neighborhood Improvement District for FY 2005/06:

General Operating	0.814 mills
-------------------	-------------
- 2) "Rolled-Back" Rate (Truth In Millage) 0.899 mills
- 3) The first public hearing to consider the proposed Normandy Shores Neighborhood Improvement District operating millage rate and tentative budget for FY 2005/06 shall be held on Thursday, September 8, 2005 at 5:02 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

## **BACKGROUND**

The Normandy Shores Local Government Neighborhood Improvement District, a dependent taxing district of its principal, the City of Miami Beach, was established in 1994 to provide continual 24-hour security to this gated community; FY 2005/06 represents its twelfth year of operation.

It was established by Ordinance 93-2881, and has the authority *"to levy an ad-valorem tax on real and personal property of up to two mills, provided that no parcel of property will be assessed more than \$500 annually for such improvements"*. However, on August 29, 2002, the Administration met with the Normandy Shores Local Government Neighborhood Improvement District representatives and agreed to eliminate the \$500 cap on the highest valued home in the District. The enabling legislation was adopted by the Commission on September 25, 2002. This ensures that the City's contribution from the General Fund remains at 35% of the operating budget of the District.

### **Statutory Requirement**

FS 200.065, entitled Method of Fixing Millage establishes specific guidelines that must be used by all local government entities, including dependent taxing districts like Normandy Shores in setting its millage (Property tax) rates. Not unlike its principal taxing authority (City of Miami Beach), Normandy Shores is also required to transmit within 35 days from receipt of the Certification of Taxable Value (received July 1, 2005), to the Miami-Dade County Property Appraiser, a proposed operating millage rate, the calculated rolled-back rate and the date, time, and place of the first public hearing to consider the proposed operating millage rate and tentative budget for Fiscal Year 2005/06.

After setting the proposed operating millage rate for Normandy Shores, the City Commission may, at any time prior to the final adoption, lower the millage rate; however any increase above the 0.814 millage rate would require an expensive mailing and advertising process to each property owner of Normandy Shores. Therefore, this proposed millage rate is viewed as the ceiling.

## **ANALYSIS**

On July 1, 2005, the City received the 2005 Certification of Taxable Value from the Property Appraiser's Office stating that the taxable value for Normandy Shores is \$106,557,047, which included \$280,619 in new construction. The preliminary value represents an increase of 25.3 percent over 2004's final value of \$85,052,942. Alternately, the increase is 25.1 percent over 2004's preliminary value of \$85,172,305. The difference of \$119,363 between 2004's preliminary and final values represents the equalization loss of less than one percent due to appeals.

### Operating Millage and Budget

The tentative ad valorem millage recommended by the Administration is 0.814 mills to provide the current level of security required by this district. This tax levy will generate proceeds of \$83,702. The total operating budget to provide security services at the current service level to this district is \$128,833. This is comparable to the current year end projections. The difference between the revenues which will be generated from ad-valorem tax proceeds and the total budgetary requirement of the district must be supplemented by a contribution from the General Fund in the amount of \$45,131 or 35% of the total operating budget.

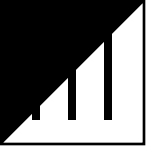
The General Fund has funded this difference for each of the eleven years since the District was established. The amount provided by the General Fund for this purpose in FY 2004/05 was \$44,362.

During FY 1998/99 the amount of annual funding to be provided by the City and the dependent status of the District were issues discussed by the Finance and Citywide Projects Committee. A determination was reached that the City would fund 35% of the annual cost of the operation of the community gate guard. This cost will eventually be funded from the golf course operation of the Normandy Shores Golf Course. The City Attorney's Office is reviewing the issue regarding the dependent status of the District. It was further agreed that the City would continue to supplement the District at current levels until both issues were resolved.

It must be noted that in accordance with State Statute, there is a 10 mill operating cap which cannot be exceeded without voter approval. Combining both millages from the dependent district (0.814) and the principal taxing authority (7.481) totals **8.295** mills, which is **1.705** mills less than the **10 mill cap**.

### First Public Hearing

The first public hearing on the proposed operating millage rate and tentative budget for FY 2005/06 must be held no later than 80 days (September 18th) or earlier than 65 days (September 3rd) from the start of the TRIM calendar (July 1st). Other guidelines are: 1) The public hearing cannot be scheduled on a Sunday or on those days utilized by Miami-Dade County or the Miami-Dade County School Board for their public hearing; 2) If on a day other than Saturday, it must be held after 5:00 P.M.; and 3) must be held immediately following discussion of the tentative millage and budget of its principal taxing authority (City of Miami Beach).



Normandy Shores FY 2005/2006 Tentative Millage  
Page 4 of 4  
July 27, 2005

Based on these guidelines, the first hearing must be held between September 3rd and September 18th. These dates are unavailable for the following reasons:

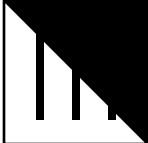
September 3, 10 & 17	Sundays
September 6 and 20	Miami-Dade County Public Hearings
September 7	Miami-Dade County School Board Public Hearing

Of the remaining days, it is recommended that the first public hearing be set for Thursday, September 8, 2005 at 5:02 P.M., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, immediately following the City of Miami Beach's public hearing.

JMG:KB:JC







RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT SETTING 1) THE PROPOSED GENERAL OPERATING MILLAGE RATE FOR THE NORMANDY SHORES NEIGHBORHOOD IMPROVEMENT DISTRICT; 2) THE CALCULATED ROLLED-BACK RATE; AND, 3) THE DATE, TIME AND PLACE OF THE FIRST PUBLIC HEARING TO CONSIDER THE OPERATING MILLAGE RATE AND BUDGET FOR FISCAL YEAR (FY) 2005/06; FURTHER AUTHORIZING THE CITY MANAGER TO TRANSMIT THIS INFORMATION TO THE MIAMI-DADE COUNTY PROPERTY APPRAISER IN THE FORM REQUIRED BY SECTION 200.065, FLORIDA STATUTES.**

**WHEREAS**, Section 200.065, Florida Statutes, has specified the method by which municipalities may fix the operating millage rate and adopt an annual budget for dependent taxing districts; and

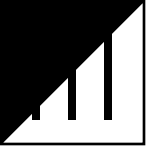
**WHEREAS**, the Mayor and City Commission of the City of Miami Beach, acting as the Board of Directors of the Normandy Shores Local Government Neighborhood Improvement District propose that the District's General Operating Millage Rate be set at 0.814 mills and that the Rolled-Back Rate be set at 0.899 mills; and

**WHEREAS**, the City of Miami Beach is required to advise the Miami-Dade County Property Appraiser of the Proposed Normandy Shores Neighborhood Improvement District Operating Millage Rate, the Rolled-Back Rate, and the date, time, and place of the first public hearing.

**NOW THEREFORE, BE IT DULY RESOLVED BY THE BOARD OF DIRECTORS OF THE NORMANDY SHORES LOCAL GOVERNMENT NEIGHBORHOOD IMPROVEMENT DISTRICT**, that the following recommendations of the Administration be and are hereby ratified for transmittal to the Miami-Dade County Property Appraiser, as specified in Section 200.065, Florida Statutes:

- 1) Proposed Normandy Shores Local Government Neighborhood Improvement District Operating Millage Rate for FY 2005/06  

General Operating	0.814 mills
-------------------	-------------
- 2) "Rolled-Back Rate" 0.899 mills

- 
- 3) The first public hearing on the proposed Normandy Shores Local Government Neighborhood Improvement District operating millage rate and tentative budget for FY 2005/06 shall be held on Thursday, September 8, 2005 at 5:02 p.m., in the City Commission Chambers, City Hall, 1700 Convention Center Drive, Miami Beach, Florida.

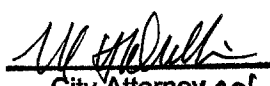
**PASSED and ADOPTED this 27<sup>th</sup> day of July, 2005.**

**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney *gsk* 7-22-05  
Date

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A resolution approving and authorizing the Mayor and City Clerk to execute a Professional Service Agreement with EAC Consulting, Inc., in the amount of \$1,186,807.00, to provide engineering, urban design, and landscape architecture services for design, bid and award, and construction administration services for the Biscayne Point Right-of-Way Infrastructure Improvement Project; and appropriating said amount from the following available funding sources: \$665,403.00 from the 1999 General Obligation Bonds; \$309,011.00 from the 2000 Stormwater Bonds; and \$212,393.00 from the 2000 Water and Sewer Bonds.

**Issue:**

Should the City Commission award a professional services agreement to EAC Consulting, Inc. in the amount of \$1,186,807.00 to provide engineering, urban design, architecture, landscape architecture, and construction administration services necessary to complete the design, and construction of Biscayne Point R-O-W Improvements Project and appropriate the required funding for this effort?

**Item Summary/Recommendation:**

The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project is a \$7.82 million infrastructure project which includes restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable City Departments and community preferences. The proposed project will include stormwater management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, as practicable within specified budget parameters. At this point, sanitary sewer upgrades are not anticipated as part of the Project. At this time additional funding for the stormwater scope of approximately \$1.8 million needs to be identified and allocated to the Project before the Project enters into the bidding phase, to complete the \$7.82 million Project.

Previously, another Consultant performed a variety of forensic and community planning tasks culminating in the creation of the Biscayne Point Basis of Design Report (BODR), which was approved by the City of Miami Beach Commission on October 15, 2003. This BODR serves as the definitive Master Plan for the proposed ROW improvements to be designed, bid, awarded and constructed. Negotiations with the consultant to undertake design, bid and award construction administration services were unsuccessful. Accordingly, a new Request for Qualifications (RFQ) was issued to perform these services.

On September 8, 2004, the City Commission authorized the issuance of RFQ No. 42-03/04, which was issued on November 9, 2004 with an opening date of December 17, 2004. Eight responses were received, and an Evaluation Committee selected EAC on February 11, 2005.


The total fee is approximately 15% of the current available Project construction budget, but it represents approximately 12% of the proposed construction budget once the additional stormwater funding is identified, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently.

The Administration recommends award of the agreement and appropriation of the required funds.

**Advisory Board Recommendation:**

At their July 11, 2005 meeting, the GO Bond Oversight Committee recommended that the Mayor and City Commission award the Agreement.

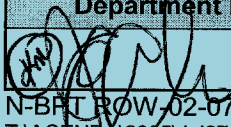

**Financial Information:**

Source of Funds:		Amount	Account	Approved
 Finance Dept.	1	\$665,403.00	1999 General Obligation Bonds	
	2	\$309,011.00	2000 Stormwater Bonds	
	3	\$212,393.00	2000 Water and Sewer Bonds	
	4			
	<b>Total</b>	<b>\$1,186,807.00</b>		

**City Clerk's Office Legislative Tracking:**

M. Alexandra Rolandelli, Senior Capital Projects Coordinator

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

N-BPT ROW-02-07272005

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AGENDA ITEM

R7E

DATE

7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH EAC CONSULTING, INC., IN THE AMOUNT OF \$1,186,807.00, TO PROVIDE ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE SERVICES FOR DESIGN, BID AND AWARD, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BISCAYNE POINT RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT; AND APPROPRIATING SAID AMOUNT FROM THE FOLLOWING AVAILABLE FUNDING SOURCES: \$665,403.00 FROM THE 1999 GENERAL OBLIGATION BOND FUNDS; \$309,011.00 FROM THE 2000 STORMWATER BONDS; AND \$212,393.00 FROM THE 2000 WATER AND SEWER BONDS.**

### **PROJECT FUNDING**

Project funding in the amount of \$1,186,807.00 is available from the following sources: \$665,403.00 from the General Obligation Bond; \$309,011.00 from the 2000 Stormwater Bonds; and \$212,393.00 from the 2000 Water and Sewer Bonds.

### **ADMINISTRATIVE RECOMMENDATION**

Adopt the Resolution.

### **ANALYSIS**

On November 2, 1999, the City of Miami Beach voters approved the issuance of an approximately \$92 Million General Obligation (GO) Bond for Neighborhood, Park, Beach and Fire Safety Improvements. The Biscayne Point Right of Way (ROW) Infrastructure Improvement Project (the Project) is a \$7.82 million infrastructure project which includes restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable City Departments and community preferences. The proposed Project will include stormwater management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, as practicable within specified budget parameters. At this point, sanitary sewer upgrades are not anticipated as part of the Project. At this time additional funding for the stormwater scope of approximately \$1.8 million needs to be identified and allocated to the Project before the

July 27, 2005

Award of A/E Services to EAC Consulting, Inc. for Biscayne Point Right-of-Way Infrastructure Project

Page 2 of 3

Project enters into the bidding phase, to complete the \$7.82 million Project. The A/E firm will design the entire scope with the assumption the additional funding will be identified.

Previously, the City had retained a consultant, The Corradino Group (TCG), to perform a variety of forensic and community planning tasks culminating in the creation of the Biscayne Point Basis of Design Report (BODR), which was approved by the City of Miami Beach Commission on October 15, 2003. This BODR serves as the definitive Master Plan for the proposed Project ROW improvements to be designed, bid, awarded and constructed. Negotiations with TCG to undertake design, bid and award construction administration services were unsuccessful.

In recognition of the need to move forward with the Project, on September 8, 2004, the City Commission authorized the issuance of a Request for Qualifications (RFQ) for engineering, urban design, and landscape architecture services needed for the design, bid and award, and construction administration of the Project.

RFQ No. 42-03/04 was issued on November 9, 2004, with an opening date of December 17, 2004. A pre-proposal conference to provide information to firms considering submitting a response was held on December 3, 2004. Eight responses were received, and an Evaluation Committee was appointed and met on February 11, 2005.

After the firms' presentations, the Committee members conducted a question and answer session, and deliberation.

The firm of EAC Consulting, Inc. (EAC) was deemed to be the first ranked firm based on its experience and qualifications as well as its team. EAC possess a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida.

### **EAC CONSULTING, INC. QUALIFICATIONS**

EAC's team is comprised of several highly specialized, locally recognized firms: 1) Savino Miller Design Studio, which will provide urban design and streetscape improvements; 2) Hillers Electrical, which will provide electrical design services; 3) F.R. Aleman & Associates, which will provide traffic studies and survey and mapping subsurface utility exploration; 4) GEOSOL, Inc., which will provide Geotechnical services as needed; and 5) E. Sciences, which will provide environmental services. EAC's Team has nineteen (19) years of professional experience in South Florida, where all team members have worked together before on successful project completions.

On March 16, 2005, the City Commission approved Resolution No. 2005-25836, authorized the Administration to enter into negotiations with EAC, the top-ranked firm by the selection committee.

Two negotiation sessions were held and agreement reached on a required scope of services (Attachment A) to be provided for a fee of \$1,186,807.00 (Attachment B). Project

July 27, 2005

Award of A/E Services to EAC Consulting, Inc. for Biscayne Point Right-of-Way Infrastructure Project

Page 3 of 3

funding in the amount of \$665,403.00 is available from the 1999 General Obligation Bond; \$309,011.00 is available from the 2000 Stormwater Bonds; and \$212,393.00 is available from the 2000 Water and Sewer Bonds. The fee includes direct costs in the amount of \$958,877.00, plus an allowance for reimbursables in the amount of \$227,930.00.

Construction Administration services, in the amount of \$167,377.00 for a twenty (20) month construction period are included in the fee, not including extensions for the weather-related, Force Majeure delays. EAC has agreed to include two months of additional Construction Administration services at no additional cost to the City if the Project exceeds the construction administration timeframe above, as may be amended for weather-related or Force Majeure delays. At the end of the additional two months, if they are required, EAC will provide additional services at a cost of eighty percent (80%) of the monthly cost of Construction Administration services established in the negotiated fee. If this is the case, Additional Services will have to be negotiated at that time.

The total fee, excluding reimbursables, is approximately 15% of the current available Project construction budget of \$6.02 million, but it represents approximately 12% of the proposed construction budget of \$7.82 million, once the additional stormwater funding is identified, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently. The A/E firm will design the entire scope with the assumption the additional funding will be identified.

The General Obligation Bond Oversight Committee, in its meeting on July 11, 2005, reviewed this proposal and recommended approval. The Administration recommends award of the agreement and appropriation of the required funds.

### **CONCLUSION:**

The Administration recommends that the Mayor and City Commission adopt the resolution, approve and authorize the Mayor and City Clerk to execute the attached Professional Services Agreement with EAC Consulting, Inc., in the amount of \$1,186,807.00, to provide engineering, urban design, and landscape architecture for design, bid and award, and construction administration services for the Biscayne Point Right-of-Way Infrastructure Improvement Project; and appropriate said amount from the following available funding sources: \$665,403.00 from the 1999 General Obligation Bonds; \$309,011.00 from the 2000 Stormwater Bonds; and \$212,393.00 from the 2000 Water and Sewer Bonds.

JMG:RCM:TH:JECh:KLM:AR

Attachments

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED PROFESSIONAL SERVICES AGREEMENT WITH EAC CONSULTING, INC., IN THE AMOUNT OF \$1,186,807.00, TO PROVIDE ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE SERVICES FOR DESIGN, BID AND AWARD, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE BISCAYNE POINT RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT; AND APPROPRIATING SAID AMOUNT FROM THE FOLLOWING AVAILABLE FUNDING SOURCES: \$665,403.00 FROM THE 1999 GENERAL OBLIGATION BOND FUNDS; \$309,011.00 FROM THE 2000 STORMWATER BONDS; AND \$212,393.00 FROM THE 2000 WATER AND SEWER BONDS.**

**WHEREAS**, on November 2, 1999, the City of Miami Beach voters approved the issuance of an approximately \$92 Million General Obligation (GO) Bond for Neighborhood, Park, Beach and Fire Safety Improvements; and

**WHEREAS**, the Biscayne Point Project will be implemented using the Capital Improvement Projects (CIP) Office's standard Planned Progress Initiative model for Right-of-Way (ROW) Neighborhood Infrastructure Improvement projects and will be funded by GO, Water and Stormwater Bond funds; and

**WHEREAS**, the purpose of the Planned Progress Initiative model is to facilitate community involvement and information as well as to coordinate construction Citywide; and

**WHEREAS**, the Biscayne Point Right of Way (ROW) Infrastructure Improvement Project (the Project) is a \$7.82 million infrastructure project which includes restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable City Departments and community preferences; and

**WHEREAS**, the proposed Project will include stormwater management and potable water distribution system upgrades, streetscape work with restoration and enhancement of the neighborhood's hardscape, landscape, streetscape irrigation and lighting, as practicable within specified budget parameters; and

**WHEREAS**, at this point, sanitary sewer upgrades are not anticipated as part of the Project; and

**WHEREAS**, at this time additional funding for the stormwater scope of approximately \$1.8 million needs to be identified and allocated to the Project before the Project enters into the bidding phase, to complete the \$7.82 million Project; and

**WHEREAS**, previously, the City has retained a consultant, the Corradino Group (TCG), to perform a variety of forensic and community planning tasks culminating in the creation of the Biscayne Point Basis of Design Report (BODR), which was approved by the City of Miami Beach Commission on October 15, 2003; and

**WHEREAS**, this BODR serves as the definitive Master Plan for the proposed Project ROW improvements to be designed, bid, awarded and constructed; and

**WHEREAS**, negotiations with TCG to undertake design, bid and award construction administration services were unsuccessful; and

**WHEREAS**, in recognition of the need to move forward with the Project, on September 8, 2004, the City Commission authorized the issuance of a Request for Qualifications (RFQ) for engineering, urban design, and landscape architecture services needed for the design, bid and award, and construction administration of the Project; and

**WHEREAS**, RFQ No. 42-03/04 was issued on November 9, 2004, with an opening date of December 17, 2004; and

**WHEREAS**, a pre-proposal conference to provide information to firms considering submitting a response was held on December 3, 2004; and

**WHEREAS**, eight responses were received, and an Evaluation Committee was appointed and met on February 11, 2005; and

**WHEREAS**, after the firms' presentations, the Committee members conducted a question and answer session, and deliberation; and

**WHEREAS**, the firm of EAC Consulting, Inc. (EAC) was deemed to be the first ranked firm based on its experience and qualifications as well as its team; and

**WHEREAS**, EAC possess vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida; and

**WHEREAS**, EAC's team is comprised of several highly specialized, locally recognized firms: 1) Savino Miller Design Studio, (which will provide urban design and streetscape improvements); 2) Hillers Electrical, (which will provide electrical design services); 3) F.R. Aleman & Associates, (which will provide traffic studies and survey and mapping subsurface utility exploration); 4) GEOSOL, Inc., (which will provide Geotechnical services as needed); and 5) E. Sciences, (which will provide environmental services); and

**WHEREAS**, EAC's team has nineteen (19) years of professional experience in South Florida, where all team members have worked together before on successful project completions; and



**WHEREAS**, on March 16, 2005, the City Commission approved Resolution No. 2005-25836, authorizing the Administration to enter into negotiations with EAC, the top-ranked firm by the evaluation committee; and

**WHEREAS**, two negotiation sessions were held and agreement reached on a required scope of services for the Project, to be provided for a fee of \$1,186,807.00; and

**WHEREAS**, Project funding, is available as follows: \$665,403.00 is available from the 1999 General Obligation Bond; \$309,011.00 is available from the 2000 Stormwater Bonds; and \$212,393.00 is available from the 2000 Water and Sewer Bonds; and

**WHEREAS**, the fee includes direct costs in the amount of \$958,877.00, plus an allowance for reimbursables in the amount of \$227,930.00; and

**WHEREAS**, construction administration services, in the amount of \$167,377.00, for a twenty (20) month construction period are included in the fee, not including extensions for weather-related or Force Majeure delays; and

**WHEREAS**, EAC has agreed to include two months of additional construction administration services at no additional cost to the City if the Project exceeds the construction administration timeframe above, as may be amended for weather-related or Force Majeure delays; and

**WHEREAS**, at the end of the additional two months, if it is required, EAC will provide additional services at a cost of eighty percent (80%) of the monthly cost of Construction Administration services established in the negotiated fee; and

**WHEREAS**, if this is the case, Additional Services will have to be negotiated at that time; and

**WHEREAS**, the total fee, excluding reimbursables, is approximately 15% of the current available Project construction budget, but it represents approximately 12% of the proposed construction budget once the additional stormwater funding is identified, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently; and

**WHEREAS**, the General Obligation Bond Oversight Committee, in its meeting on July 11, 2005, reviewed this proposal and recommended approval; and

**WHEREAS**, the Administration recommends that the Major and City Commission approved the attached Agreement and appropriate the required funds.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute the attached Professional Services Agreement with EAC Consulting, Inc., in the amount of \$1,186,807.00, to provide engineering, urban design, and landscape architecture services for design, bid and award, and construction administration services for the Biscayne Point Right-of-Way Infrastructure Improvement Project; and appropriate said amount from the following available funding sources: \$665,403.00 from the 1999 General Obligation Bonds; \$309,011.00 from the 2000 Stormwater Bonds; and \$212,393.00 from the 2000 Water and Sewer Bonds.

**PASSED** and **ADOPTED** this 27<sup>th</sup> day of July, 2005.

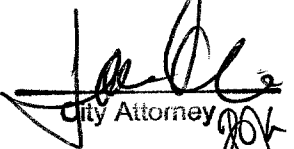
ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

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APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

7-14-05  
Date

**SCHEDULE A**  
**BISCAYNE POINT NEIGHBORHOOD RIGHT OF WAY IMPROVEMENT PROJECT**  
**CITY OF MIAMI BEACH, FLORIDA**  
**SCOPE OF A/E CONSULTANT SERVICES**

**CONSULTANT:** EAC CONSULTING, INC.

**BACKGROUND**

The City of Miami Beach (CITY) has developed its multi-million dollar, multi-year "Planned Progress" Capital Improvement Program to rebuild the City's existing roads, infrastructure, utilities, parks and facilities, and to build new capital projects where they are needed. The Program will dramatically improve the quality of life of the City's residents and complement the enormous amount of private reinvestment that has taken place in the City.

As part of the "Planned Progress" Program, comprehensive right of way improvement projects are being undertaken in each of 13 City neighborhoods including the Biscayne Point neighborhood. The Biscayne Point neighborhood is bounded on the east by the Tatum waterway, and on the south, west and North by Biscayne Bay, and is comprised of three "sub-neighborhoods" entitled Biscayne Beach, Biscayne Point Island and Stillwater Drive.

The Biscayne Point Neighborhood ROW Improvement Project will encompass targeted streetscape, stormwater and water supply improvements as previously identified by another Consultant and documented in the City Commission approved Biscayne Point Basis of Design Report dated October 15, 2003. The estimated construction budget for the project is \$7,820,000, which includes a construction change order contingency budget of \$450,000. This estimated construction total includes \$2,750,000 for Streetscape, \$3,470,000 for stormwater, and \$1,150,000 for Water Improvements that, as a minimum, shall fund the following:

## **Biscayne Beach Sub-neighborhood**

### Entry Feature

85th and Crespi (*shared cost*)

Hawthorne and 77th (*shared cost*)

### Textured crosswalks

Hawthorne at bump-outs 79th, 81st, 85<sup>th</sup>

Crespi at bump-outs 79th, 81<sup>st</sup>

Crespi Park (2)

Hawthorne, Replace existing planting strip with new landscaping

### Bump-outs & Planters attached to sidewalk

Corner bump-outs Hawthorne at 79th, 81st, 85th, 84th

Corner bump-outs Crespi at 79th, 81st

Planters opposite corner bump-outs Hawthorne at 79th, 81st, 85th

Planters opposite corner bump-outs Crespi at 79th, 81st

### Planters detached from sidewalk

Crespi at 79th Terrace., 80th, 82nd, 83rd, 84th, 86th and mid-block

Hawthorne at 79th Terrace., 80th, 82nd, 83rd, 84th, 86th corners only

All Cross streets, (2 per side per street)

### Mid Block Hawthorne Bumpouts (22)

Speed table with brick pavers at Hawthorne and Crespi

Sign East of Hawthorn and 77th

Sidewalk installation and repair all of 79<sup>th</sup> Street and 20% neighborhood wide repairs

Pocket Park @ 81st Street

Re-stripping parking neighborhood wide

Landscaped Island at Stillwater Drive and Hawthorne intersection

Miscellaneous Paving to be covered by GO Bond

Replace existing lighting "globes" with 138 new light fixtures and bulbs

## **Biscayne Point Island Sub- Neighborhood**

### Traffic Calming At Intersections

#### Speed Tables

2 @ Daytonia and Cleveland

1 @ Daytonia and S. Biscayne Point

1 @ Cleveland and N. Biscayne Point

1 @ Noremac and Cleveland

1 @ Noremac and Daytonia

### Textured Intersections

(2) Cecil & Cleveland, Fowler & S. Biscayne Point

Grass Triangle

Noremac and N. Biscayne

Enhance grass islands

Daytonia and S. Biscayne

Cleveland and N. Biscayne

Decorative Lighting (Acorn) to average 0.6 ft candle standard throughout sub neighborhood

Swale Reclamation - Approximately 3375 LF to be reclaimed

Infill plantings at 30-ft spacing O.C.

Repaving all roadways

Entryway Improvement

Hawthorne Entrance with Shared Cost

Crespi Entrance Shared Cost

### **Stillwater Drive Sub- Neighborhood**

Traffic Calming "Tables" (total of 3)

Replace and widen sidewalk (to 5 – ft on each side)

Decorative Lighting (Acorn) to average 0.6 ft candle standard throughout sub neighborhood

Enhance Area around Gatehouse

Landscaping/sign

Accent lighting

Entry Feature

85th and Crespi (shared cost)

Hawthorne and 77th (shared cost)

Enhanced Landscaping in new swale areas

New trees / palms 1 per lot

---

## **STORMWATER IMPROVEMENTS PER THE BODR**

### **WATER IMPROVEMENTS**

- Replacement of Discretionary Waterlines with 8-inch diameter pipes Per attached Exhibit A

The CITY has contracted the services of Hazen and Sawyer, P.C. to function as PROGRAM MANAGER (PROGRAM MANAGER), and act as the CITY's agent with regard to all aspects of this scope of services. Hence, the PROGRAM MANAGER will serve as the focal point of contact with the Architectural / Engineering firm (CONSULTANT). However, the CITY will retain contractual agreement responsibilities with the CONSULTANT firm.

Due to the large number of projects that will be ongoing concurrently during the Program, the CITY and PROGRAM MANAGER have developed a Program Work Plan (PWP) detailing

procedures and policies for the overall ROW Program. This PWP dictates the respective responsibilities and levels of authority for all program team members. Organizational structure flowcharts and team member duties are included to establish a working understanding regarding reporting and communication relationships on the Program. The PWP includes a listing of design and construction phase deliverables from the various A/E's and Contractors, along with proposed CITY and PROGRAM MANAGER duties during the planning, design, bid, award and construction phases of the Program. One copy of the PWP will be given to the CONSULTANT, who agrees to comply with procedures set forth therein.

## **SCOPE OF SERVICES**

The purpose of the Biscayne Point ROW Infrastructure Project is to provide for the restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable CITY Departments, and community preferences. The proposed project shall include potable water infrastructure, stormwater and restoration and enhancement of the neighborhood's hardscape, landscape, streetscape, irrigation, and lighting. Sanitary sewer upgrades are not anticipated as part of the Project.

The work effort shall require that all existing and proposed aboveground improvements be coordinated with existing and proposed below underground infrastructure improvements, which may include the following tasks:

- Repair or replacement of water mains.
- Improved stormwater drainage collection and disposal infrastructure
- Coordination with other entities, including but not limited to, Florida Power and Light Company, BellSouth, Atlantic Broadband, and others as may exist within the public right of way
- Coordination with Public and Private Developments that are, or will be implementing improvements adjacent to the City Right of Way.

## **TASK 1 – PLANNING SERVICES**

The CITY has completed Task 1 – Planning Services.

A final Basis of Design Report has been prepared summarizing the accepted design concept, budget level cost estimate, schedule and other issues deemed important to the implementation

of the project. The final Basis of Design Report was presented to the City Commission and approved on October 15, 2003. Design, Bid, Award and Construction Services will be based on this document.

THE CONSULTANT shall review the Basis of Design Report with particular attention to the cost estimates. The CONSULTANT shall develop a cost estimate for the improvements outlined therein. The CONSULTANT shall further assume responsibility for cost control and potential redesign based upon this cost estimate.

## **TASK 2 –DESIGN SERVICES**

The purpose of this Task is to establish requirements for the preparation of contract documents for the Project. Note that Task 2.1 requires that the CONSULTANT perform a variety of forensic tasks to verify, to the extent practicable, existing conditions and the accuracy of base maps to be used for development of the contract drawings. Task 2.2 discusses requirements for the preparation of contract documents, inclusive of drawings, specifications and front-end documents. Task 2.3 establishes requirements with regard to constructability and value engineering reviews to be performed by others. Task 2.4 establishes requirements for the preparation of opinions of total probable cost by the CONSULTANT. Task 2.5 specifies requirements for review of contract documents with jurisdictional permitting agencies prior to finalization. Task 2.6 establishes requirements for developing final (100%) contract documents. To facilitate the implementation of a Public Information Program, the CONSULTANT shall provide electronic files of all project documents, as requested by the CITY and/or PROGRAM MANAGER for posting on the program website. The CONSULTANT shall provide the electronic files for the front-end documents, technical specifications, and construction drawings in MS-Word, AutoCAD and Adobe Acrobat file format.

Due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Design Standards Manual (DSM) detailing procedures, standards, and policies regarding design of all Program projects. One copy of the DSM will be given to the CONSULTANT, who agrees to comply with all procedures set forth therein. The CONSULTANT retains all responsibilities for providing and ensuring compliance of all applicable information / requirements in the DSM to all of its sub-consultants and agents.

**Task 2.1 - Field Verification of Existing Conditions:** The CONSULTANT shall perform a topographic survey of the existing right of way areas to be impacted by construction activities

under the scope of this project. The topographic survey shall meet the minimum requirements noted in the attachment to this scope of services entitled "Minimum Design Features to be Shown on Drawings". In addition, note that the topographic survey shall include sufficient detail to allow for the smooth transition from public right of way to adjacent public / private property in the areas where existing improvements will be refurbished and will require transition to adjacent improvements. The survey shall be performed by a Professional Land Surveyor in the State of Florida and shall meet the minimum technical standards identified in Chapter 61G17-6, FAC. All survey files shall be prepared in AutoCAD Version 2000 format with a layering system as directed by the CITY in the DSM. As a minimum, the survey shall address the following:

- Topographic survey shall consist of establishing a baseline with 100-foot stations, and identify right-of-way monuments and sectionalized land corners. Baseline of survey shall be tied into the right-of-way and sectionalized land monuments. Right-of-way information shall be obtained from available records by the CONSULTANT.
- The CONSULTANT shall set benchmarks at convenient locations along the corridor to be used during both the design and construction phases of the project. As a minimum, permanent benchmarks shall be set at 1,000-foot intervals along the alignment. In addition, the CONSULTANT shall tie-in at least two existing government County monuments to vertical circuit and shall take cross sections at 100-foot intervals along all project corridors. The benchmarks shall be derived from existing government benchmarks and be carried into the proposed system using Second Order, Class II procedures A full listing of benchmark locations shall accompany the survey data.
- Cross section elevations shall define all grade breaks such as intersections, swale, edge of pavement, pavement centerline, curb and gutter, edges of sidewalk, driveway connections, right-of-way line, edge of a 25-foot right-of-way offset, encroachments (both natural and built-in), etc.
- The CONSULTANT shall locate and identify existing surface improvements / topographic features that are visible along the corridor , including but not limited to the following:
  - Existing valve boxes, water / electrical meter boxes, electrical pull boxes, telephone / cable risers, fences, hydrants, etc.



- Aboveground and underground utilities invert elevations of accessible underground utilities, wood / concrete utility poles, culverts, guardrails, pavement limits, headwalls, endwalls, manholes, vaults, mailboxes, driveways, side streets, trees, landscaping, traffic signage and any other noted improvements. Survey shall identify fence material / height, and driveway construction materials. Landscaping materials with a trunk diameter greater than 6 – inches in diameter shall be identified individually. Materials with smaller diameters shall be illustrated in groupings.
- Corridors to be surveyed will be as defined in Exhibit “A”. Topographic survey / base map shall be prepared in AutoCAD Version 2000 and submitted on recordable Compact Disk with one signed and sealed copy on 22-inch by 34-inch bond paper. Note that all standards from the DSM shall apply to the development of the survey document. In addition, the CONSULTANT shall submit 3 copies of a preliminary Draft Survey for CITY and PROGRAM MANAGER review and comment. The CONSULTANT shall prepare a final survey submittal package based on addressing any / all comments submitted through this review process, to the satisfaction of the CITY. All CAD mapping shall be performed to a scale of 1:1 in the World Coordinate System. Text size shall be 100 Leroy for a final product at 1=20 units.
- All corridor surveys shall indicate geometry of perimeter private property plats (inclusive of fences, landscaping and driveways) within the specified 25-ft setback.

Upon completion and acceptance of the final survey, the CONSULTANT shall forward same to the following agencies with a request to mark / identify respective utilities on the survey base map. The CONSULTANT shall coordinate this effort with each agency in an effort to identify the location of all existing underground utilities. The CONSULTANT shall incorporate utility owner markups / edits into its survey base map file. The CONSULTANT shall contact the following entities and request that they each verify locations of their existing improvements in the affected areas:

- Florida Power and Light Company
- BellSouth

- Miami-Dade Water and Sewer Authority
- Charter Communications (Atlantic Broadband)
- Natural Gas provider
- City of Miami Beach Public Works Department
- Others as deemed necessary by the CONSULTANT

The CONSULTANT shall also request information regarding any future proposed improvements by each agency. To facilitate tracking of the progress made in this work effort, the CONSULTANT shall copy the PROGRAM MANAGER on all correspondence with each agency. In addition, the CONSULTANT shall keep a readily accessible and properly labeled / collated file of all correspondence and markups provided to it by the various agencies for reference use by the CITY, PROGRAM MANAGER and/or CONSULTANT, during construction.

Based on the collected data, the CONSULTANT shall develop detailed design base maps for the project. The maps shall include an overall key map and partial plans scaled at 1-inch equals 20 feet or a scale that better suits the project requirements.

It is important to note that the CONSULTANT shall illustrate proposed water and stormwater utility improvements on the base maps, with a subsequent review scheduled with CITY and PROGRAM MANAGER staff to determine locations where additional field verifications, via "Soft-Dig" underground identification services, shall be implemented.

**Deliverables:** - Perform forensic work as noted to develop final survey maps. Deliver three (3) draft five (5) final signed and sealed surveys to the PROGRAM MANAGER.

**Schedule:** - Within 80 working days after Task 2 - Design Phase Notice to Proceed.

**Task 2.2 – Detailed Design:** The CONSULTANT shall prepare all contract documents in compliance with DSM standards.

Technical specifications shall be prepared in conformance with Construction Specifications Institute (CSI) formats. The PROGRAM MANAGER, through the DSM, shall furnish the

CONSULTANT with standard CITY specification outlines for Divisions 1, 2, 3 and 15 as noted in the DSM. The CONSULTANT shall refrain from amending FDOT, or other reference standard specifications, for inclusion in the detail design documents. The CONSULTANT shall provide additional sections that the CONSULTANT may require, not already provided through the CITY standards, subject to review and comment by the CITY and/or PROGRAM MANAGER. Any supplier listings required by specifications shall include a minimum of two named supplier's and shall meet all applicable CITY and State of Florida procurement codes. Specifications shall be provided to the CONSULTANT in "Microsoft MS-Word" format. In addition, the CONSULTANT shall use the same software in all project related work. In addition, the CONSULTANT shall utilize base front-end documents provided by the CITY. The CONSULTANT shall edit accordingly to result in a project specific document. Any requirements for Supplementary General Conditions shall be subject to review and acceptance by the CITY.

The CONSULTANT shall attend monthly Design Progress Meetings with CITY and PROGRAM MANAGER staff.

The CONSULTANT shall submit monthly invoice requests for its services, accompanied by a design progress schedule update form as provided by the PROGRAM MANAGER. Invoices shall be prepared in a format as provided by the CITY, through the PROGRAM MANAGER. As a part of this effort, the CONSULTANT shall update and submit the schedule update form.

Should the PROGRAM MANAGER determine that the CONSULTANT has fallen behind schedule; the CONSULTANT shall provide a recovery schedule that shall accelerate work to get back on schedule.

For purposes of this Scope of Services, the following will be considered the minimum effort to be provided by the CONSULTANT for establishing detail design milestone submittals. Note that CITY review procedures, and CONSULTANT responsibilities associated with such, are discussed under Task 2.3:

- The 30% design completion stage milestone shall consist of the completed survey / base map work as identified in Task 2.1 with all proposed improvements identified in approved BODR illustrated in plan view at a scale of 1-inch equals 20 feet. A key map shall also be provided on all sheets that illustrates the relationship between the drawings and their respective location within the project

area. A Table of Contents identifying the anticipated technical specifications to be incorporated into the work shall also be submitted.

It is important to note that as a part of the 30% design completion stage effort, the CONSULTANT shall prepare detailed tabulation of all encroachments within the public right-of-way in the project area. The tabulation shall be presented in a format that identifies those encroachments that exist within the right-of-way and do not require removal in order to construct the project and those encroachments required to be removed in order to implement the project components. This tabulation shall include, at a minimum, description of the encroachment, location (block / lot number or physical address), a description identifying the encroachment, and a justification / reason why the encroachment must be removed (to be provided only for those encroachments required to be removed to implement the project components). The PROGRAM MANAGER will provide the CONSULTANT with an "Excel" spreadsheet template for mandatory use in preparation of the listing. Please note that the CONSULTANT shall be required to submit a "Draft" listing for review and comment, and make subsequent revisions as noted by the CITY, prior to submitting a Final Encroachment listing.

- The 60% design completion stage milestone shall consist of plan and profile views of all proposed improvements, with all applicable sections and construction details. Note that the respective profile for each plan shall be included on the same sheet. In addition, a reduced scale key map shall be provided on each sheet to allow the reviewer a simple means to locate the applicable work. Prior to the preparation of the 60% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon its underground utility verification efforts and review comments received, as noted in Task 2.3 below. In addition, the CONSULTANT shall include draft technical specifications and a draft schedule of prices bid (bid form) identifying the items to be bid by the prospective contractors with the submittal. Also, this submittal shall include the CONSULTANTs "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal.

It is anticipated that the CITY will be at or near completion of reviewing the CONSULTANTs Final encroachment listing. When completed, the listing will be

returned to the CONSULTANT, who will revise its documents to reflect final CITY direction on the acceptance / rejection of CONSULTANT recommendations regarding the disposition of encroachments on the project. The CONSULTANT shall demonstrate compliance with this requirement at the 90% design completion stage submittal noted below.

- The 90% design completion stage milestone shall consist of a near final construction document set including the front-end documents (general and supplemental conditions), technical specifications and construction drawings for all work proposed to be completed. The CONSULTANT shall include detailed construction sequencing restrictions for the PROGRAM MANAGER's review with this submittal. Prior to the preparation of the 90% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon review comments received, as noted in Task 2.3 below. In addition, the CONSULTANT shall provide its "Definitive" level opinion of probable cost as defined by the American Association of Cost Engineers with this submittal.
- The 100% design completion stage milestone shall consist of the 90% documents updated to include all constructability and design review comments as may be provided by the CITY, PROGRAM MANAGER and/or jurisdictional review agency. This set of documents will be used by the CONSULTANT to implement City of Miami Beach Building Department Permitting Reviews as noted in the PWP.

**Deliverables:**

- Furnish fifteen (15) sets each of the 30, 60, 90 and 100 percent design completion stage documents to PROGRAM MANAGER, as applicable (ten full size and five half size for each submittal)
- Prepare and update project invoices and schedule tracking spreadsheets, on a monthly basis.

- Attend monthly design progress meetings with CITY and PROGRAM MANAGER staff.

**Schedule:**

- Complete 30 percent document submittal within 80 working days after the Task 2 – Design Phase Notice to Proceed.
- Complete 60 percent document submittal within 160 working days after Task 2 - Design Phase Notice to Proceed.
- Complete 90 percent document submittal within 240 working days after Task 2 - Design Phase Notice to Proceed.
- Complete 100 percent document submittal within 300 working days after Task 2 - Design Phase Notice to Proceed.

**Task 2.3 – Design / Constructability Review:** To verify that the CONSULTANT is in compliance with required BODR, DSM and PWP requirements, the CITY will conduct a series of design submittal reviews on all design project documents, inclusive of cost estimates at the 30, 60 and 90% design completion stage submittals. Note that the 100% design completion stage submittal will be used by the CONSULTANT to permit the project through all internal CITY reviews as noted in the PWP.

The purpose of these reviews shall be to verify that the documents are consistent with the design intent. These documents shall be furnished as bound 8-1/2-inch by 11-inch technical specifications and full-size (22-inch by 34-inch) and half size (11-inch by 17-inch) drawings as noted in the Task 2.2 deliverables. The PROGRAM MANAGER and applicable CITY Departments shall perform reviews on these documents and provide written comments (in “Excel” spreadsheet format) back to the CONSULTANT.

Following receipt of comments by the CONSULTANT, a meeting may be scheduled between the CITY, the CONSULTANT and PROGRAM MANAGER, to discuss the intent and review of the comments. Subsequently, the CONSULTANT shall address how each comment was resolved, to the PROGRAM MANAGER, within 10 working days after the review session and/or receipt of the comments. The responses shall be in the spreadsheet format provided to the CONSULTANT. In addition, the CONSULTANT shall revise its documents to address all review comments accordingly, to the satisfaction of the CITY.

In addition, the PROGRAM MANAGER will perform constructability reviews of the design documents relative to value, construction sequencing and bid format. These reviews shall be based upon 60 and 90 percent design submittals received from the CONSULTANT and shall be conducted concurrently but separately from the 30, 60 and 90 percent design reviews noted above. These constructability review meetings shall be held with the CONSULTANT and the CITY representatives to discuss the CONSULTANT's proposed construction sequencing restrictions, and bid formats, and shall be performed by the PROGRAM MANAGER.

The CONSULTANT shall note that the CITY's / PROGRAM MANAGER's review of the contract documents does not relieve the CONSULTANT from its responsibility to the CITY with regard to the quality and completeness of its contract documents.

- Deliverables:**
- Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss design constructability and value comments.
  - Prepare written responses to comments made during reviews.

- Schedule:**
- Complete concurrently with 300 working day Design Phase schedule.

**Task 2.4 – Cost Opinions:** The CONSULTANT shall prepare opinions of probable construction costs for the 60 and 90% design completion stage submittals, as well as the final (100 percent) completion stage submittal. The accuracy of the cost estimate associated with the 60 percent completion stage shall be +30% to -15% "Budget" Level as defined by the American Association of Cost Engineers. The accuracy of the cost estimate associated with the 90 and 100 percent completion stage submittals shall be a +15% to -5% "Definitive" Level Estimates as defined by the American Association of Cost Engineers. All estimates shall be submitted in Microsoft "Excel" format in accordance with the template supplied by PROGRAM MANAGER. All estimates shall be furnished bound in 8-1/2-inch by 11-inch size. Based upon the CONSULTANT's cost estimate, the CITY will advise the CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints. In this effort, the CONSULTANT may be required to attend a series of meetings and develop

alternative cost savings options for CITY consideration, if the estimates show that the projected project cost will exceed the target budget. The CONSULTANT shall revise the contract documents to reflect necessary revisions to meet budget parameters at no additional cost accordingly.

- Deliverables:**
- Furnish fifteen (15) sets of 60, 90 and 100 percent completion stage cost estimates to PROGRAM MANAGER concurrently with the design submittals noted in Task 2.2.
  - Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss cost estimates. This Task includes development of any required cost savings alternatives, and implementation / revision of documents to address such items, as necessary to meet established budget parameters.

- Schedule:**
- Complete concurrently with 300 working day Design Phase schedule.

**Task 2.5 – Community Design Review Meetings:** The CONSULTANT shall attend and participate in Community Design Review Meetings (CDRMs) to review the design progress and concept at different progress levels during the design. The CITY will schedule, find locations for, and notify residents of all such meetings. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER, who shall review, provide comments and distribute, accordingly. The CONSULTANT shall prepare for, attend and present its documents at up to two (2) CDRMs. Meetings shall be scheduled at the 60% and 90% design completion stages, respectively. Note that presentation format shall consist of a brief Power Point presentation to review Project status, plus review of actual full size plans for each project. The CONSULTANT shall provide sufficient staff at the meeting to address concerns by residents at multiple plan stations. It is anticipated that the CONSULTANT will attend one Pre-CDRM meeting with CITY and PROGRAM MANAGER staff to review the proposed format of the presentation for each planned CDRM.

**Task 2.6 - Document Revisions:** Based upon the input provided by the residents at the CDRM, the CONSULTANT shall incorporate necessary contract document revisions, as approved by the CITY.



**Task 2.7 – Permitting Reviews:** The CONSULTANT shall prepare applications and such documents and design data as may be required to procure approvals from all such governmental authorities that have jurisdiction over the Project(s). The CITY will pay all permit fees. The CONSULTANT shall participate in meetings, submissions, resubmissions and negotiations with such authorities. The CONSULTANT shall respond to comments by such authorities within ten working days of receipt of comments unless a different time is agreed to by PROGRAM MANAGER. It is the intent of this scope of services that the CONSULTANT be the responsible party for formally transmitting and receiving permits to and from the respective jurisdictional authorities. However, since the PROGRAM MANAGER is to track and monitor progress on the preparation and review of permits and subsequent requests for information, the CONSULTANT shall copy the PROGRAM MANAGER on all permit related correspondence. This includes CONSULTANT generated minutes from meetings held with related parties. The PROGRAM MANAGER will forward copies of such documents to the CITY as appropriate. It is recognized by CITY that the time period required for obtaining permits is beyond the control of the CONSULTANT, except with regard to issues concerning the permissibility of the proposed design and the CONSULTANT's ability to respond to permitting agency requests for information in a timely manner. At the time of scope preparation, the following governmental authorities that have or may have jurisdiction over Project have been identified:

- United States Environmental Protection Agency
- U.S. Army Corps of Engineers
- Florida Department of Transportation
- Florida Department of Environmental Protection
- South Florida Water Management District
- Miami-Dade Water and Sewer Authority
- Miami-Dade Department of Public Works
- Miami-Dade Department of Health and Rehabilitative Services
- Miami-Dade Department of Environmental Resource Management
- The City of Miami Beach Building Department

- The City of Miami Beach Planning Department
- The City of Miami Beach Public Works Department

Note that the CITY's failure to identify governmental authorities that have jurisdiction over Project at this time does not relieve the CONSULTANT from the responsibility to procure all requisite permits. However, an equitable adjustment to the CONSULTANT's compensation may be negotiated if deemed appropriate by the CITY.

- Deliverables:**
- Correspond with noted jurisdictional authorities to establish permitting requirements.
  - Revise documents and respond to permitting inquiries as required.
  - Attend meetings with the CITY, PROGRAM MANAGER and/or permitting agency staff as required to review, discuss and finalize permit procurement

- Schedule:**
- Complete concurrently with 300 working day Design Phase schedule.

**Task 2.8 – The CONSULTANT's QA/QC of Design Documents:** The CONSULTANT shall establish and maintain an in-house Quality Assurance / Quality Control (QA/QC) program designed to verify and ensure the quality, clarity, completeness, constructability and bid ability of its contract documents. To this end, the CONSULTANT shall provide the CITY and PROGRAM MANAGER with a written narrative detailing its QA/QC program tasks and how it is to be implemented over the course of this project. The CITY and/or PROGRAM MANAGER, at its discretion may require that the CONSULTANT attend meetings to review the status and present results of its QA/QC efforts. Items to be addressed may include, but shall not be limited to, review of specifications by respective technical experts and a "Redi-check" type review of the documents to identify conflicts and inconsistencies between the various project disciplines.

### **TASK 3 –BIDDING AND AWARD SERVICES**

Please note that the Tasks below address the level of service required for a traditional Advertise / Bid / Award process. As an alternative to this traditional bidding process outlined herein, the City may consider implementing the project via the Job Order Contract (JOC) system. If such

decision is made, it is understood that the Consultant's hours assigned to traditional bidding tasks would be re-distributed, on a not to exceed basis, to complete tasks related to procurement of the job through the JOC system, including, but not limited to the following:

- Participation at the Joint Scope Meeting
- Assistance in filling out JOC standard forms, including Brief Request for Proposal and Notice to Proceed (Suggested Language Only. City to input forms into system)
- Review of JOC unit cost proposal
- Participation in negotiation meetings with JOC Contractor

Note that all other duties of the CONSULTANT are not affected by the use of the JOC system.

**Task 3.1 - Construction Contract Document Review:** The CONSULTANT shall assist the CITY in the bidding and award of each construction contract. The PROGRAM MANAGER, through the CITY, shall transmit contract documents prepared by the CONSULTANT to the CITY's Risk Management, Legal and Procurement Departments for verification of appropriate insurance, form and bonding requirements. The CONSULTANT shall assist PROGRAM MANAGER in this effort by providing three copies of each Construction Contract Document and participating in meetings, submissions, resubmissions and discussions with these departments, as necessary. The CONSULTANT shall address and re-submit corrections to any CITY comments within ten calendar days of receipt of comments unless a different time schedule is agreed to by the PROGRAM MANAGER. The CONSULTANT's compensation has been based upon one meeting with these departments.

**Task 3.2 - Bid Document Delivery:** The CONSULTANT shall provide the PROGRAM MANAGER with reproducible, camera ready sets of contract documents. These documents shall include responses to all comments obtained during permit reviews and shall incorporate all corrections required by the permitting agencies. The CITY Procurement Department shall reproduce documents and handle the advertising, distribution, sale, maintenance of plan holder lists and other aspects of bid document delivery to prospective Bidders.

**Task 3.3 - Pre-Bid Conference and Bid Opening:** The PROGRAM MANAGER will conduct one pre-bid conference. The CONSULTANT shall attend each pre-bid conference and each bid opening.

**Task 3.4 - Addenda Issuance:** The CONSULTANT shall provide, through the PROGRAM MANAGER, timely responses to all inquiries received by the CITY from prospective bidders. These responses shall be prepared as written addenda, with the format for such addenda as provided to the CONSULTANT by PROGRAM MANAGER. These queries and responses shall be documented and a record of each shall be transmitted to the PROGRAM MANAGER on a same day basis. The CONSULTANT shall prepare necessary addenda as requested by PROGRAM MANAGER. The CITY will distribute addenda to all plan holders of record accordingly.

**Task 3.5 - Bid Evaluation:** Within five calendar days of receipt of bids, the CITY will forward Bids to the CONSULTANT, who in turn shall evaluate bids for completeness, full responsiveness and price, including alternative prices and unit prices, and shall make a formal written recommendation to the CITY regarding the award of the contract. Non-technical bid requirements shall be evaluated by others.

This scope of services includes no allowance for the CONSULTANT's time to assist the CITY in the event of a bid protest. To the proportionate extent the CONSULTANT's services are required in the event of a bid protest, due to a direct action or lack thereof by the CONSULTANT, the CONSULTANT shall participate in such activities at no additional cost to the CITY.

**Task 3.6 - Contract Award:** The CONSULTANT shall provide eight (8) sets of Construction Contract Documents, inclusive of Addenda, for execution by the CITY and the successful bidder within five calendar days of request by the CITY.

**Task 3.7 – As- Bid Contract Documents:** After contract award and prior to the preconstruction conference, the CONSULTANT shall prepare As-Bid construction contract documents, which incorporate the following items into the construction contract documents:

- Contractor's bid submittals, including but not limited to, bid proposal, insurance, licenses, etc.
- Amend / modify front-end documents and / or technical specifications to incorporate changes made via contract addenda.

- Revise construction contract drawings to include modifications / revisions incorporated via contract addenda as well as the previously incorporated permit review comments.

The CONSULTANT shall prepare As-Bid construction contract documents and reproduce fifteen (15) sets for distribution to PROGRAM MANAGER within ten (10) calendar days after City Commission approval / contract execution.

**The following apply to Task 3.1 through 3.7:**

- Deliverables-**
- Attend and participate in Pre-bid conferences and bid openings.
  - Respond to questions from prospective bidders and prepare Addenda for distribution by others.
  - Prepare recommendation of award letter
- Provide eight (8) sets of contract documents for contract execution
- Prepare As-Bid contract documents and reproduce fifteen (15) sets and forward to PROGRAM MANAGER.
- Schedule:**
- Upon receipt of Task 3 Bidding and Award Services Notice to Proceed and within 120 working days

## **TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES**

The CONSULTANT shall perform the following tasks related to the construction administration of the Project(s). These tasks shall be performed during the duration of all construction. Due to the extensive amount of detailed procedures required to properly manage construction projects, the PROGRAM MANAGER has developed a Construction Management Manual (CMM) for the construction phase of the Infrastructure Improvement Program. This CMM augments the general program guidelines established in the Project Work Plan (PWP), as provided to the CONSULTANT by the PROGRAM MANAGER at the commencement of the Project, and provides uniform procedures and guidelines for managing the interface between the CITY, Contractor, PROGRAM MANAGER and CONSULTANT staffs.

It is anticipated that the construction timeframe will be approximate 20 months.

**Task 4.1 – Pre-Construction Conferences:** The CONSULTANT shall attend one pre-construction conference for each Project. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties. At this meeting, it is anticipated that the PROGRAM MANAGER will issue a Limited Notice to Proceed. A final Notice to Proceed shall be issued upon receipt of a final schedule and procurement of all applicable construction permits from the Contractor.

**Deliverables:** - Attend and participate in one pre-construction conference for each project

**Schedule:** - As scheduled by PROGRAM MANAGER after receipt of Task 4 Notice to Proceed.

**Task 4.2 – Weekly Construction Meetings:** The CONSULTANT shall attend weekly construction meetings with the Contractor, PROGRAM MANAGER and applicable CITY representatives on each Project. The purpose of these meetings shall be to review the status of construction progress, shop drawing submittals and contract document clarifications and interpretations. In addition, the Contractor shall furnish a two-week look ahead work schedule to allow for proper coordination of necessary work efforts. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters. The meetings may include site visits to visually observe / address construction related concerns. The site visits shall be separate and distinct from the “Specialty Site Visits” discussed under Task 4.6. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties.

**Deliverables:** - Attend and participate in weekly construction progress meetings

**Schedule:** - Weekly throughout the project duration.

**Task 4.3 – Requests for Information / Contract Document Clarification (RFIs / CDCs):** The PROGRAM MANAGER will receive, log and process all RFIs / CDCs. Whenever an RFI involves the interpretation of design issues or design intent, the PROGRAM MANAGER will forward the RFI to the CONSULTANT, who shall prepare a written response in a timely matter and return it to the PROGRAM MANAGER. In addition, the CONSULTANT may be requested

by the PROGRAM MANAGER to prepare and forward CDCs should certain items within the contract documents require clarification.

**Deliverables:** - - Respond to those RFI's that involve design interpretations and return to PROGRAM MANAGER's office. Issue CDCs as required.

**Schedule:** - Ongoing throughout project construction duration.

**Task 4.4 – Requests for Changes to Construction Cost and/or Schedule:** The PROGRAM MANAGER will receive, log and evaluate all requests for project cost and/or schedule changes from the Contractor. Such requests may be the result of unforeseen conditions, interferences identified by the Contractor during the routine progress of work, inadvertent omissions (betterment) issues in the contract documents, permitting requirements that arise after the contract award, and/or additional improvements requested by the CITY. Regardless of the source, the PROGRAM MANAGER will evaluate the merit of the request, as well as a cursory review of the potential impact of the change in terms of project cost and schedule. The PROGRAM MANAGER may also review the request with the CONSULTANT, who shall provide a written opinion as to the merit / value, upon request. It is understood that no legal claims assistance or support services are inferred by the work effort noted under this Task.

**Deliverables:**

- Perform independent review of request for cost increase and/or time extension.
- Coordinate and participate in meetings, as required, with the PROGRAM MANAGER, CITY and Contractor to resolve and/or negotiate the equitable resolution of request. Provide written opinion and / or recommendation upon request.
- Prepare change order documentation in CITY directed format

**Schedule:** - Ongoing throughout project construction.

**Task 4.5 – Processing of Shop Drawings:** The PROGRAM MANAGER will receive, log, and distribute shop drawings to the CONSULTANT for its review. The CONSULTANT shall have 14

calendar days from the time of receipt in its office, to review and return shop drawings to the PROGRAM MANAGER's office.

**Deliverables:** - Review Shop Drawings and return them to PROGRAM MANAGER's office.

**Schedule:** - Ongoing throughout project construction duration.

**Task 4.6 – Field Observation Services:** The PROGRAM MANAGER will provide field staff to observe the construction of the work. The CONSULTANT shall provide specialty site visits by various design disciplines (civil, mechanical, landscaping, etc...) on an as requested basis. For the purposes of this scope of services, it is assumed that monthly specialty site visits are included. Specialty site visits are assumed to include one or more of the CONSULTANT's Team attendance, as may be requested by the CITY, to review, discuss, resolve field conditions and issues at the job site. Attendance shall be as requested, although a minimum of 24 hour notice will be provided when possible. In cases where conditions require immediate action, the CONSULTANT shall make itself available in the field, as soon as possible, to review / respond to necessary issues.

**Deliverables:** - Provide monthly specialty site visits

**Schedule:** - Ongoing throughout project construction duration.

**Task 4.7 – Project Closeout:** Upon receiving notice from the PROGRAM MANAGER advising the CONSULTANT that a Project is substantially complete, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall conduct an overview of the Project. The overview shall include development of a "punch list" of items needing completion or correction prior to consideration of final acceptance. The PROGRAM MANAGER will develop the list with assistance from the CITY and the CONSULTANT. The list shall be forwarded to the Contractor. For the purposes of this Task, please note that substantial completion shall be deemed to be the stage in construction of the Project where the Project can be utilized for the purposes for which it was intended, and where minor items may not be fully completed, but all items that affect the operational integrity and function of the Project are capable of continuous use.

Upon notification from the PROGRAM MANAGER that all remaining "punch list" items have been resolved, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM



MANAGER staff, shall perform a final review of the finished Project. Based on successful completion of all outstanding work items by the Contractor, the CONSULTANT shall assist in closing out the construction contract. This shall include a final punch list walk throughs for verification of completion

**Deliverables:** Attend field meetings to review substantial and final completion and assist in development of "punch lists".

**Schedule:** - At the Substantial and Final completion of each project

**TASK 5 – ADDITIONAL SERVICES** - None at this time.

## **TASK 6 - REIMBURSABLES**

**Task 6.1 – Reproduction Services:** The CONSULTANT shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by the CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.2 – Travel and Subsistence:** The CONSULTANT shall be reimbursed at the United States Internal Revenue Service established rate for travel and subsistence, up to the maximum not-to-exceed amount as noted. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.3 – Surveying:** The CONSULTANT shall arrange for and coordinate the efforts of licensed surveyors to prepare a topographical survey of all CITY public rights-of-way within the project limits to meet the intent of the approved project Scope. This effort shall meet the requirements set forth in Task 2.1. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.4 - Geotechnical Evaluation:** The CONSULTANT shall contract the services of a professionally licensed geotechnical firm to perform boring / test excavations as necessary to ascertain soil conditions, in an effort to identify existing conditions for pipe bedding and stormwater management considerations. The scope of such services shall be subject to review and acceptance by the CITY. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

**Task 6.5 – Underground Utility Verification:** The CONSULTANT shall contract the services of an underground utility location service to perform vacuum extraction excavations, in an effort to better identify existing underground conditions where work is to be performed. Actual locations shall be as directed by the CONSULTANT, subject to CITY review and acceptance. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

**Task 6.6 – Drainage Test Well:** If required by a permitting agency, the CONSULTANT shall contract the services of a well drilling contractor and/or a hydrogeologist to drill a drainage test well, to conduct tests, and to prepare reports necessary to provide assurance to the permitting agency that the proposed drainage well system will not adversely affect local groundwater conditions. Actual location of the well shall be as directed by the CONSULTANT, subject to CITY review and acceptance. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

## **Minimum Design Features to Be Shown On Drawings**

The CONSULTANT shall note that the following criteria indicate the minimum design standards to be shown on drawings. The CONSULTANT is encouraged to review and recommend changes as it deems necessary, subject to the review and acceptance of the CITY and the PROGRAM MANAGER.

### *Paving, Grading and Drainage Plans*

- Show existing grade / topography, centerline roadway, edge of pavement, back of sidewalk, top of curb, gutter flow line
- Show proposed grade along the centerline of the road at 50 centers, limits of road work, inlets, curb and gutter and sidewalk
- Show limits of demolition / removal
- Show limits of proposed work
- Identify all surface features of all existing and proposed work
- Identify driveway locations
- Identify proposed structures
- Identify linear footage of pipe, pipe invert elevation, diameter and material

### *Paving, Grading and Drainage Details*

- Show proposed cross sections with topographical information at key locations
- Identify the following minimum information on cross sections:
  - Existing utilities
  - Proposed road slope, lane width, sidewalk width and surface features within the right-of-way
  - Road construction details for the sub-base and base and asphalt
  - Proposed utility locations
- Conflict manhole detail
- Manhole details
- Driveway replacement section
- Catch basin details
- Exfiltration trench details
- Drainage pipe trench detail
- Restoration Details – All pipes
  - Roadway
  - Sidewalk
  - Curb and gutter

## *Water Distribution and Sanitary Sewer Plans*

### *General*

- Identify existing utilities
- Show future utilities proposed by others
- Identify trees / landscaping to remain in place

### *Sanitary Sewer*

- Manhole details
- Connection to existing manholes (pre-cast / brick)
- Connection to existing service laterals and mainline
- Show sanitary sewer manhole / flow direction
- Show sanitary sewer (single service)
- Show sanitary sewer (double service)
- Show sanitary sewer pipe diameter, linear feet, material and slope along pipe length
- Show rim and pipe invert elevations on sanitary sewer manholes
- Indicate sanitary sewer (existing / proposed) clean out locations
- Indicate sanitary sewer service invert elevation at the right-of-way for new services

### *Sanitary Sewer Profiles*

- Identify sanitary sewer manhole number, rim elevation, invert elevations of incoming and outgoing pipes
- Show sanitary sewer pipe diameter, linear footage and slope
- Show existing utilities, diameter, type and invert of pipe elevation

### *Water Distribution System*

- Show location of single and double water meter boxes
- Identify fire hydrant assembly
- Identify fitting locations
- Identify limits of restrained joints
- Identify deflection limits
- Identify water sampling points
- Identify dead end blow-offs

- Identify air release valves
- Identify pipe diameter and material
- Stationing

#### *Pressure Pipe Profiles*

- Show top of pipe elevation
- Identify location of air release valve at high points
- Identify vertical / horizontal deflection and/or fittings
- Identify minimum cover requirements
- Provide details of major utility crossings
  - Jack and bore
  - Horizontal directional drilling
  - Subaqueous crossing
  - Aerial crossing
  - Culvert crossing

## SCHEDULE B

345

ATTACHMENT B

**SCHEDULE B  
CITY OF MIAMI BEACH  
INFRASTRUCTURE PROGRAM A-E CONSULTANT  
CONSULTANTS COMPENSATION FEE SCHEDULE  
BISCAYNE POINT NEIGHBORHOOD**

[illegible]

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution adopting the One-Year Action Plan for Federal Funds for Fiscal Year 2005/06 for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships Program (HOME) and appropriating funds when received.

**Issue:**

Should the City of Miami Beach adopt the One-Year Action Plan and submit to the U.S. Department of Housing and Urban Development (HUD) for approval to receive federal funds; execute the contracts with providers as outlined in the Plan; and authorize the appropriation of funds when received.

**Item Summary/Recommendation:**

For FY 05/06, the City expects to receive a total of \$3,241,292 in federal grants from HUD as follows: \$2,002,924 in CDBG Program funds and \$1,238,368 in HOME funds. In addition, \$401,393 in prior year unspent CDBG funds are being reprogrammed for projects in FY 05/06. Forty-one written proposals were reviewed by the Administration and CDAC and ranked according to their impact on the Consolidated Plan, the number of low to moderate-income individuals assisted, soundness of project design and ability to achieve objectives in a timely manner. As in previous years, the total amounts requested far exceeded the amount of funds available.

As a HUD requirement to receive HUD funds, the City must submit an annual action plan which outlines its housing and non-housing community development needs, priorities, and proposed uses of funds for the ensuing program year, FY 05/06. The City's Action Plan follows the strategies outlined in the Five-Year Consolidated Plan approved by the City Commission on July 30, 2003.

In preparing the Action Plan, staff worked with the Community Development Advisory Committee (CDAC), and the community in order to identify community development and housing needs in Miami Beach. The Action Plan is the culmination of a citizen participation process that included residents, community-based organizations, CDAC, staff and the Administration.

**Advisory Board Recommendation:**

On June 1, 2005, the Community Development Advisory Committee met with the City Manager and unanimously approved the 2005/06 One-Year Action Plan.

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; padding: 5px; display: inline-block;">CDBG HOME</div> Finance Dept.	1	\$2,002,924		
	2	\$1,238,368		
	<b>Total</b>	\$3,241,292		

**City Clerk's Office Legislative Tracking:**

Vivian P. Guzmán

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

AGENDA ITEM R7F

DATE 7-27-05





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## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

A handwritten signature in black ink, appearing to read "Jorge", written over the printed name of the City Manager.

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CITY'S ONE-YEAR ACTION PLAN FOR FEDERAL FUNDS FOR FISCAL YEAR 2005/2006, WHICH INCLUDES THE BUDGETS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM; AUTHORIZING THE CITY MANAGER TO MAKE MINOR NON-SUBSTANTIVE CHANGES TO THE ONE-YEAR ACTION PLAN OR RESULTING AGREEMENTS BEFORE EXECUTION WHICH MAY BE IDENTIFIED DURING THE FINALIZATION AND/OR REVIEW PROCESS, AND WHICH DO NOT AFFECT THE PURPOSE, SCOPE, APPROVED BUDGET AND/OR INTENT OF THE PLAN; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS AND SUBMIT THE ONE-YEAR ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS WITH PROVIDERS OF ACTIVITIES AS FOLLOWS: TWENTY-FIVE (25) CDBG SUB-RECIPIENT AGREEMENTS, AND TWO (2) CDBG INTERDEPARTMENTAL MEMORANDA OF UNDERSTANDING; AND AUTHORIZING THE APPROPRIATION OF ALL FEDERAL FUNDS WHEN RECEIVED.**

### **ADMINISTRATIVE RECOMMENDATION**

Adopt the Resolution.

### **ANALYSIS**

The City of Miami Beach is an entitlement city under the U.S. Department of Housing and Urban Development (HUD). As an entitlement city, the City receives annual allocations of federal funding under HUD's grant programs. These grant programs are: the Community Development Block Grant (CDBG) program and the HOME Investment Partnerships Program (HOME).

For fiscal year 2005/2006, the City expects to receive a total of \$3,241,292 in federal grants from HUD as follows: \$2,002,924 in CDBG program funds and \$1,238,368 in HOME funds. In addition, \$401,393 in prior year unspent CDBG funds are being reprogrammed for projects in fiscal year 2005/2006.

As a requirement to receive HUD funds, the City must submit an annual action plan which outlines its housing and non-housing community development needs, priorities, and proposed uses of funds for the ensuing program year (FY 2005/2006). The Action Plan follows the strategies outlined in the Five-Year Consolidated Plan that was approved by the City Commission on July 30, 2003.

For 31 years, the City has used CDBG funds to create viable urban neighborhoods for low and moderate-income residents by providing affordable housing, revitalizing neighborhoods, and expanding economic opportunities. CDBG funds have also been used to improve parks, youth centers, playgrounds and neighborhood facilities; to support a multitude of agencies that provide necessary public services to the community; rehabilitate and preserve the housing stock; and to create and maintain affordable homeownership opportunities for low to moderate-income residents of Miami Beach.

In preparing the One-Year Action Plan for FY 2005/2006, the Administration followed all applicable HUD rules and guidelines. On February 1, 2005, the Administration issued a Request for Proposals for 2005/2006 funds with a submission deadline of March 2, 2005. A pre-development public hearing was held on March 15, 2005. On June 1, 2005, the Administration met with the Community Development Advisory Committee (CDAC) to discuss and approve funding recommendations for the FY 2005/2006 Action Plan, which are detailed in Exhibit 1.

A draft of this Plan was made available to the public for a 30-day comment period commencing June 20, 2005 and ending July 20, 2005. A public hearing to hear public comments was held on June 14, 2005. There were only two generic comments regarding the availability of local housing for affordable housing development as well as the overall escalating cost of housing and construction/rehabilitation costs associated with affordable housing development. Exhibit 1 also includes the list of all proposed CDBG activities. Most of the activities described in the One-Year Action Plan will take place in HUD designated community development target areas. These target areas contain census tract/block groups that display evidence of a greater than 51% of households with incomes at or below 80% of the median income and continue to be a priority for allocation of resources. The northern and southern portions of the City also contain the largest number of the multi-family structures that require rehabilitation and have the highest concentrations of income-eligible families.

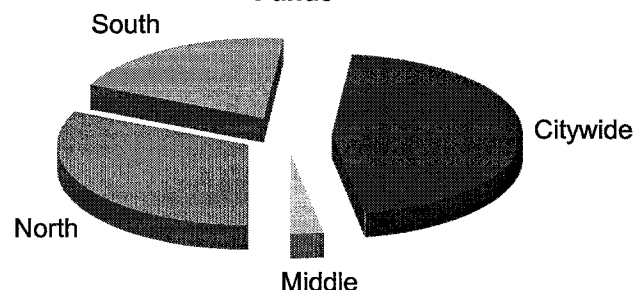
The City received 41 proposals for the CDBG program totaling \$4,944,159 and the total entitlement amount available including recaptured funds is \$2,404,317 (\$2,002,924 entitlement plus \$401,393 prior years unspent funds) not including anticipated program income. As in previous years, the total amounts requested far exceeded the amount of funds available. After deducting \$525,550 (20%), which includes 20% of the upcoming entitlement year (\$400,585), and 20% of the actual program income of the prior entitlement year (\$124,965) for necessary administrative and operational expenses to implement and monitor the CDBG program, there was \$1,878,767 available for eligible CDBG activities, a difference of \$3,065,392 between funds available and grant requests. The CDBG entitlement amount of \$2,002,924 for FY 2005/06, is a decrease from the previous year allocation of \$2,118,000 and is a 5.4% decrease. Due to previous reductions in the amount of CDBG entitlement funds received by the City of Miami Beach, the staffing levels

were reduced from 10 full-time positions to 7 full-time positions during the current 2004/05 fiscal year. If at the end of the Fiscal Year there are unspent administration funds, that amount will be added to the next funding year hard cost money to be distributed in the next year RFP process. Since the administration funds are part of the hard cost allocation, the amount of funds set aside for Public Services (a maximum of 15% of entitlement funding) is not affected by the amount of the funds set aside for Administration.

Each year, CDAC and the Administration must make the very difficult decision regarding which agencies to fund and at what funding levels to award. There is a tremendous amount of need in the community and very worthwhile proposals but there is a finite amount of funds available to address every need and program. The consensus recommendations are consistent with the priority needs areas as identified by the Commission, the community and the Consolidated Plan. The main priorities include those activities assisting youth, AIDS/HIV, homelessness, affordable housing, and the elderly. Agencies that have been awarded funding in the 2005/06 Action Plan are strong performers with proven track records of success and results which was taken into consideration during the proposal review process.

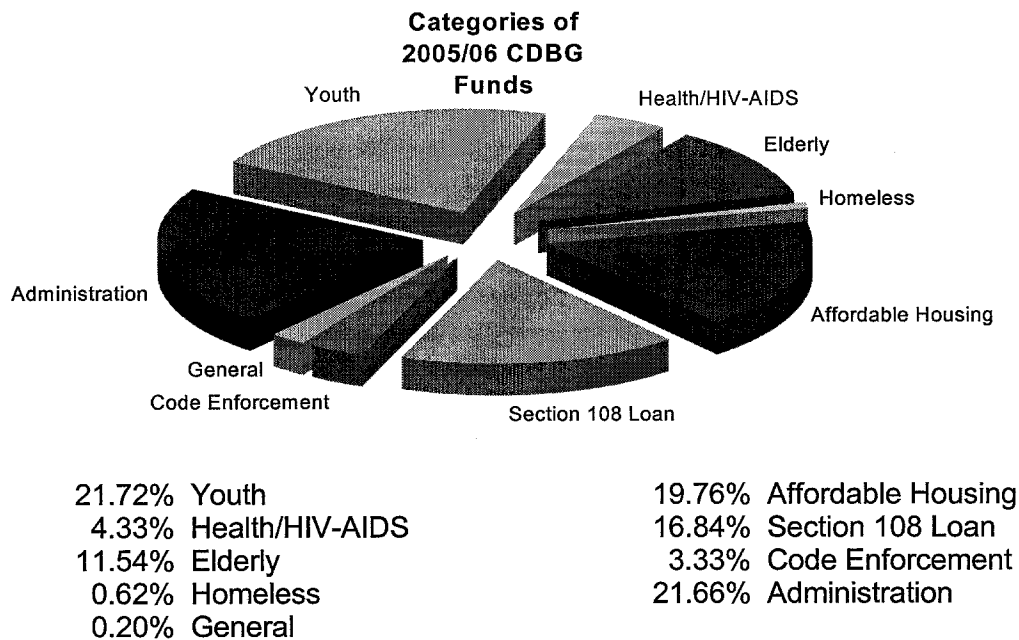
Written proposals are reviewed by the Administration and CDAC and ranked according to their impact on the Consolidated Plan, the number of low to moderate-income individuals assisted, soundness of project design and ability to achieve objectives in a timely manner, adequacy of organizational staffing, and leveraging of other non-CDBG resources. All responsive agencies make presentations of their proposals before the Administration and CDAC. This allows CDAC and staff to obtain additional information about the organizations and provides a forum to ask questions about their abilities to undertake and complete their activities. All of this information is analyzed and utilized to make consensus funding recommendations of CDAC and the Administration which are incorporated into FY 2005/2006 Action Plan, which are detailed in Exhibit 1.

**Geographic Distribution of FY 2005-2006 CDBG Funds**



32% North Beach Activities  
20% South Beach Activities  
3% Middle Beach Activities  
45% Citywide Activities

The graph bellows illustrates the breakdown of FY 2005/06 CDBG funding to eligible categories of recipient types that will receive funding during the program year:



The Administration has been working with HUD to restructure the Section 108 Loan Principal repayment schedule in order to reduce the annual amount of CDBG funds that are currently being used to repay the \$ 4 million loan. Additionally, the City is exploring the possibility of using another funding source to pay down the loan. This will allow more of the annual CDBG entitlement funding to be distributed to the various organizations that are providing various housing and community development services and activities to our low to moderate-income citizens. The current repayment schedule is as follows:

Year	Principal Payment Amount	Principal Paid to Date	Remaining Principal to be Paid
2001	\$ 305,000	\$ 305,000	
2002	\$ 320,000	\$ 320,000	
2003	\$ 340,000	\$ 340,000	
2004	\$ 360,000	\$ 360,000	
2005	\$ 380,000	\$ 380,000	
2006	\$ 405,000		\$ 405,000
2007	\$ 430,000		\$ 430,000
2008	\$ 455,000		\$ 455,000
2009	\$ 490,000		\$ 490,000
2010	\$ 515,000		\$ 515,000
Total	\$4,000,000	\$1,705,000	\$ 2,295,000

If the Section 108 Loan restructure is pursued and approved by HUD, the proposed repayment schedule would be as follows:

Year	Principal Payment Amount
2001	\$ 305,000
2002	\$ 320,000
2003	\$ 340,000
2004	\$ 360,000
2005	\$ 380,000
2006	\$ 230,000
2007	\$ 230,000
2008	\$ 230,000
2009	\$ 230,000
2010	\$ 230,000
2011	\$ 230,000
2012	\$ 230,000
2013	\$ 230,000
2014	\$ 230,000
2015	\$ 225,000
Total	\$ 4,000,000

Under the HUD 108 Loan restructure scenario, the term of the loan would be extended an additional 5 years and reduces the average annual repayment amount by approximately 50%. If approved, the revised Section 108 Loan Principal amount will be reduced in FY 2005/06 from \$405,000 to \$230,000, resulting in \$175,000 of additional CDBG funds that will become available. At that time, alternate "bricks and mortar" projects will be identified to receive these reprogrammed funds and the One-Year Action Plan for FY 2005/06 will be amended accordingly. Any recaptured funds from restructuring the Section 108 Loan can not be used for public services.

Approval of a restructured loan can not be achieved until after the date that the City must certify its one year action plan to HUD. In the event repayment or fund recapture can be accomplished, subsequent Commission review and action will be requested.

Approval of the One-Year Action Plan is required by the City Commission in order to meet the August 16, 2005 submission deadline to HUD. Per HUD guidelines, the City Manager is the designated agent for all formula grants, and executes the grant applications, grant agreements and other applicable HUD documents. The Housing and Community Development Division coordinates the planning, preparation, submission, fiscal and program compliance of the Action Plan.

## **CONCLUSION**

The Administration recommends that the Mayor and City Commission approve the attached resolution adopting the City's One-Year Action Plan for Federal Funds for Fiscal Year 2005/2006.

JMG/RCM/VP/PG/TU/jfq

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, ADOPTING THE CITY'S ONE-YEAR ACTION PLAN FOR FEDERAL FUNDS FOR FISCAL YEAR 2005/2006, WHICH INCLUDES THE BUDGETS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND THE HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM; AUTHORIZING THE CITY MANAGER TO MAKE MINOR NON-SUBSTANTIVE CHANGES TO THE ONE-YEAR ACTION PLAN OR RESULTING AGREEMENTS BEFORE EXECUTION WHICH MAY BE IDENTIFIED DURING THE FINALIZATION AND/OR REVIEW PROCESS, AND WHICH DO NOT AFFECT THE PURPOSE, SCOPE, APPROVED BUDGET AND/OR INTENT OF THE PLAN; AUTHORIZING THE CITY MANAGER TO EXECUTE ALL APPLICABLE DOCUMENTS AND SUBMIT THE ONE-YEAR ACTION PLAN TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD); FURTHER AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AGREEMENTS WITH PROVIDERS OF ACTIVITIES AS FOLLOWS: TWENTY-FIVE (25) CDBG SUB-RECIPIENT AGREEMENTS, AND TWO (2) CDBG INTERDEPARTMENTAL MEMORANDA OF UNDERSTANDING; AND AUTHORIZING THE APPROPRIATION OF ALL FEDERAL FUNDS WHEN RECEIVED.**

**WHEREAS**, the One Year Action Plan for Federal funds is a requirement under the United States Department of Housing and Urban Development (HUD) formula grant programs which include the Community Development Block Grant (CDBG) program and the Home Investment Partnerships (HOME) program; and

**WHEREAS**, the One Year Action Plan for Federal funds for Fiscal Year 2005/06 serves as both a planning document and as an annual application for the formula grant programs; and

**WHEREAS**, the City anticipates it will receive a total of \$3,241,292 in Federal grants from HUD for Fiscal Year 2005/06 as follows: \$2,002,924 in CDBG funds, and \$1,238,368 in HOME funds; and

**WHEREAS**, a comprehensive planning phase was initiated by the City on February 1, 2005, with the issuance of a Request for Proposals for housing and community development activities; and

**WHEREAS**, a public hearing was held on March 15, 2005, with the Community Development Advisory Committee (CDAC), to obtain citizen input on determining the priorities and needs for housing and community development; and

**WHEREAS**, a draft of the One-Year Action Plan for Federal funds for Fiscal Year 2005/06 was made available for a thirty (30) day public review and comment period from June 20, 2005 to July 20, 2005; and

**WHEREAS**, on June 1, 2005, the Administration, together with the Community Development Advisory Committee (CDAC), unanimously approved funding recommendations for the proposed CDBG-funded activities for the One-Year Action Plan and for HOME-funded activities, to foster affordable housing as listed in Exhibit 1 of this Resolution; and

**WHEREAS**, the One Year Action Plan must be submitted to HUD no later than August 16, 2005; and

**WHEREAS**, the City Manager is the HUD designated agent for all the formula grants, and should thereby be authorized to execute the grant applications, the grant agreements, and other applicable HUD documents.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission adopt the City's One-Year Action Plan for Federal funds for Fiscal Year 2005/06, which includes the budgets for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program; authorize the City Manager to make minor non-substantive changes to the One-Year Action Plan or resulting Agreements before execution which may be identified during the finalization and/or review process, and which do not affect the purpose, scope, approved budget and/or intent of the Plan; authorize the City Manager to execute all applicable documents and submit the One-Year Action Plan to the U.S. Department of Housing and Urban Development (HUD); further authorize the Mayor and City Clerk to execute all Agreements with providers of activities as follows: twenty-five (25) CDBG sub-recipient Agreements, and two (2) CDBG Interdepartmental Memoranda of Understanding; and authorize the appropriation of all federal funds when received.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

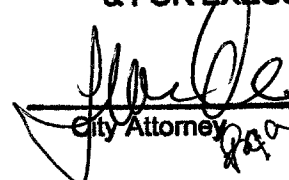
**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

\_\_\_\_\_  
**MAYOR**

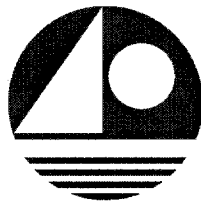
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**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

7-14-05  
\_\_\_\_\_  
Date

DRAFT



**CITY OF MIAMI BEACH  
ONE-YEAR ACTION PLAN  
FOR FEDERAL FUNDS  
FISCAL YEAR 2005-2006**

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NEIGHBORHOOD SERVICES DEPARTMENT  
HOUSING AND COMMUNITY DEVELOPMENT DIVISION  
1700 CONVENTION CENTER DRIVE, MIAMI BEACH, FL 33139  
(305) 673-7260 PHONE (305) 673-7772 (FAX)  
[www.miamibeachfl.gov](http://www.miamibeachfl.gov)





**City of Miami Beach**

**City Commission**

David Dermer, **Mayor**  
Luis R. Garcia, Jr., **Vice-Mayor**

Matti Herrera-Bower, Commissioner  
Simon Cruz, Commissioner  
Saul Gross, Commissioner  
Richard Steinberg, Commissioner  
Jose Smith, Commissioner

**City Administration**

Jorge M. Gonzalez, **City Manager**  
Hilda M. Fernandez, Assistant City Manager  
Timothy Hemstreet, Assistant City Manager  
Robert C. Middaugh, Assistant City Manager

**Community Development Advisory Committee**

Lazaro Martinez, **Chair**  
Sol Genet, **First Vice-Chair**  
Alexander Annunziato, **Second Vice-Chair**  
Jeff Bechdel  
Charles Burkett  
Grant Gussin  
Lillian Janata  
Alan Lips  
Juan Torres

**Neighborhood Services Department**

Vivian Guzmán, **Director**  
Jimmy Mcmillion, Special Projects Coordinator  
Randi MacBride, Administrative Aide 1

*Housing and Community Development Division*

Thomas Urriola, **Director**  
Edward J. Barberio, Housing Specialist  
Bertha Fortunato, Account Clerk II  
Dionne Ireland, Clerk Typist  
John Quade, Community Development Specialist  
Mercedes Rovirosa, Community Development Technician



**Neighborhood Services Department Vision Statement**

*We will be responsive to the needs of the neighborhoods by providing the  
Highest quality of service and ensuring customer satisfaction.*

**City of Miami Beach Mission Statement**

*We are committed to providing excellent public service and safety to all  
who live, work, and play in our vibrant, tropical, historic community.*

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## EXECUTIVE SUMMARY

The City of Miami Beach is a recipient of federal entitlement grants funds from the U.S. Department of Housing and Urban Development (HUD). In 2003, the City adopted the Five-Year Consolidated Plan which furthers the statutory goals of four programs: Community Development Block Grant (CDBG) Program, Emergency Shelter Grants (ESG) Program, HOME Investment Partnerships (HOME) Program, and Housing Opportunities for People with AIDS (HOPWA) Program.

Last year, during the fiscal year 2004/05 program year, the American Dream Downpayment Initiative (ADDI) was introduced. ADDI funds are part of the HOME program and are being provided as additional funds for first time homebuyers with downpayment assistance. No new ADDI funds were allocated to the City of Miami Beach for the Fiscal Year 2005/06. At the conclusion of the 2003/04 program year, due to changes in population and funding formulas, the City no longer receives funding from HUD under the Emergency Shelter Grants (ESG) Program. These funds were used to provide emergency shelter assistance to the homeless of Miami Beach. The City has had to seek out alternate funds and resources to maintain the level of service and referrals which had been funded with ESG funds.

One of the requirements of the Consolidated Plan is the preparation of subsequent annual action plans that outlines the housing and community development programs to be funded with HUD entitlement funds over a five year period (through September 30, 2008). The annual One Year Action Plan for Fiscal Year 2005/2006 is designed to guide housing, homeless and community development goals and strategies within the community through September 30, 2006. Citizens, public agencies, and other interested parties are provided opportunities to participate in every aspect of the consolidated planning process, including reviewing program accomplishments.

The One-Year Action Plan Fiscal Year 2005/2006 describes the allocations of federal funding to meet the three general priorities identified in the Five-Year Consolidated Plan. These priorities are: public services, affordable housing and neighborhood improvements. As an entitlement jurisdiction, the City of Miami Beach has been notified by HUD that it will receive the following federal funds for fiscal year 2005-2006:

\$ 2,002,924	Entitlement Funds	Community Development Block Grant Program
\$ 1,238,368	Entitlement Funds	HOME Investment Partnerships Program

**City of Miami Beach**  
**One-Year Action Plan for Federal Funds**  
**Fiscal Year 2005-2006**

This One-Year Action Plan includes recommendations for funding for activities and programs under the CDBG and HOME programs. The following are the budgets for each one of these programs:

**CDBG BUDGET FOR FY 2005/2006**

**Revenue**

Projected CDBG Allocation for FY 2005/2006	\$ 2,002,924
Reprogrammed Prior Year Funds	401,393
Projected Program Income	<u>250,000</u>
Total Revenue	\$2,654,317

**Expenditures**

Housing Activities	470,000
Public Services	394,163
Other Activities (capital improvements, economic development, etc)	609,604
Repayment of Section 108 Loan	405,000
Program Income Retained by Subgrantees (estimate)	250,000
Program Administration	<u>525,550</u>
Total Expenditures	2,654,317

**HOME BUDGET FOR FY 2005/2006**

**Revenue**

Projected HOME Allocation for FY 2005/2006	\$ 1,238,368
Program Income for FY 2004/2005	<u>225,500</u>
Total Revenue	\$ 1,463,868

**Expenditures**

HOME Projects	\$ 478,113
CHDO Set-Aside	800,000
CHDO Operating	61,918
Program Administration	<u>\$ 123,837</u>
Total Expenditures	\$1,463,868

**AVAILABLE RESOURCES**

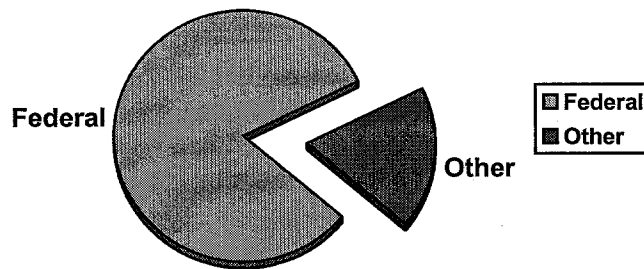
**Federal Resources** (Federal funds expected to be available during fiscal year 2005/2006 to address the needs and specific objectives identified in the Consolidated Plan.)

Community Development Block Grant (CDBG) Program	\$ 2,002,924
HOME Investment Partnerships (HOME) Program	1,238,368
Reprogrammed Prior Year CDBG Funds	401,393
CDBG Program Income (Estimate)	250,000
HOME Program Income (Estimate)	<u>225,500</u>
Total Federal Resources	\$4,118,185

**Other Resources** (Funds from private and non-Federal public sources reasonably expected to be available during fiscal year 2005/2006 to address the needs identified in the Consolidated Plan. Federal funds will leverage these additional resources.)

State Housing Initiatives Partnership (SHIP) Program	\$ 420,020
Miami-Dade Surtax Funds	<u>500,000</u>
Total Other Resources	\$920,000

**Available Resources by Type**



#### ACTIVITIES TO BE UNDERTAKEN

During fiscal year 2005/2006, the City of Miami Beach will undertake the following activities to address priority needs that were identified in the 5-Year Consolidated Plan. Details of the specific projects can be found in Appendix 1. The maps in Appendix 2 can be used to ascertain the locations of the projects.

- **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)** - This list of activities includes entitlement funds of \$2,002,924, reprogrammed funds of \$401,393 and estimated program income of \$250,000.
- **Boys and Girls Clubs of Miami - Miami Beach Juvenile Program - \$45,000** - To provide a "no charge" after-school program to 300 youth ranging in ages from 5 to 16. The programs include components such as homework assistance, educational field trips, athletic field trips, sports, league activities, and recreational activities both indoor and outdoor.
- **City of Miami Beach Capital Improvement Office – Normandy Isle Park and Pool - \$150,000** - To provide funds for the construction of the Normandy Isle Park and Pool facility that will serve low to moderate-income residents in the North Beach area.
- **City of Miami Beach Code Compliance Division - North Beach District \$80,000** - To provide two full time Code Compliance Officers to assist in the implementation of the North Beach Economic Development Strategic Plan and the North Beach Neighborhood Revitalization Strategy.
- **City of Miami Beach – Housing and Community Development Division - Planned Repayment of Section 108 Principal - \$405,000** - To repay the principal balance of a HUD Section 108 loan in the amount of \$4,000,000. The loan was acquired to implement a comprehensive streetscape improvement program in the North Beach area, including Normandy Isle; and to complete construction of the North Shore Youth Center as part of a neighborhood revitalization strategy for North Beach.
- **City of Miami Beach Community Development Division - CDBG Administration - \$525,550** - To continue to provide the necessary funding to manage, oversee, coordinate, monitor, audit and evaluate the CDBG program and sub-recipients in accordance with federal regulations. Funding includes activities to ensure compliance with federal fair housing/EEO requirements, environmental review, fiscal management, citizen participation, public information and planning and management activities.
- **Food for Life Network, Inc. - Home-Delivered Food Program - \$26,000** - To provide weekly, home-delivered prepared meals and home-delivered groceries to approximately 40 income-eligible homebound persons with HIV/AIDS in Miami Beach.

- **HIV Education Law Project (HELP) – AIDS/Family Law Project - \$15,000** – To provide free legal assistance to 125 low and moderate-income clients with HIV/AIDS in matters of public benefits, discrimination, wills/trusts, family law and landlord-tenant disputes.
- **Housing Opportunities Project for Excellence, Inc. (H.O.P.E., Inc.) - Fair Housing Education Program - \$7,500** - To provide a Fair Housing Education Program. This activity will be funded through a line item in the CDBG Administration budget and will be supplemented with a \$7,500 set-aside of HOME Program Administration funds.
- **Jewish Community Services - Homeless Outreach, Prevention and Employment - \$15,000** - To provide employment and job training services to promote client and family self-sufficiency for 96 low to moderate income, situational and economically homeless individuals, homeless persons in families with children, and those in danger of becoming homeless.
- **Jewish Community Services - Miami Beach Senior Center Adult Day Care Services - \$15,000** - To provide an aide to supervise day care services to 50 frail elderly in a structured supportive setting with daily activities, nutritionally balanced meals and therapies that provide or prolong the need for institutionalization.
- **Jewish Community Services – Senior Center Improvements - \$57,700** – To provide facility improvements to the Miami Beach Senior Center which serves low to moderate income senior citizens.
- **Jewish Community Services - Senior Meals on Wheels Program- \$25,000** - To partially fund drivers to deliver meals to 85 homebound elderly participants residing in eligible target areas, and to fund a shopper to purchase necessary items for frail elders unable to shop for themselves.
- **Little Havana Activities and Nutrition Centers of Dade County, Inc. - Miami Beach Elderly Meals Program - \$50,000** - To provide nutritionally balanced meals daily to 130 Miami Beach elderly clients in a familiar surrounding where they can have access to other services provided by Little Havana Activities and Nutrition Centers of Dade County.
- **Little Havana Activities and Nutrition Centers of Dade County, Inc. - Rainbow Intergenerational Child Care - \$50,000** - To provide affordable preschool day care for 40 Miami Beach children who are income-eligible. Miami Beach senior citizens serve as the day care workers at the day care facility.
- **Little Havana Activities and Nutrition Centers of Dade County, Inc. – Facility Rehabilitation of Rainbow Intergenerational Child Care - \$242,166** - To provide rehabilitation activities at the preschool day care facility that serves predominantly low to moderate-income families in the South Beach area.



- **Miami Beach Adult and Adult Community Education Center – After School Super Stars Program - \$20,000** – To provide after school and summer school tutoring and extracurricular mentoring services to 170 elementary school children, thus providing low and moderate income parents an educational alternative for day care during the after school day hours.
- **Miami Beach Community Development Corporation - Housing Counseling - \$40,000** - To provide housing counseling to participants in the HOME-funded homebuyer assistance program.
- **Miami Beach Community Development Corporation - Multi-Family Housing Program - \$125,000** -To provide operational funds to acquire, rehabilitate and manage 3 rental buildings targeted for a combined total of 76 housing units for income-eligible persons.
- **Miami Beach Community Development Corporation – Owner Occupied Home Repair Program - \$75,000** - To provide funds to 17 low and moderate income Miami Beach homeowners for the rehabilitation and/or correction of code violations in order to maintain housing that is safe, decent and sanitary.
- **Miami Beach Community Development Corporation - Scattered Site Home Buyer Assistance Program-Acquisition/Disposition - \$160,000** - To provide scattered site home ownership opportunities to 18 eligible first-time homebuyers in Miami Beach. The activity is expected to generate an additional \$250,000 in program income.
- **Miami Beach Community Development Corporation - Tenants Service Coordinator - \$20,000** - To fund a coordinator that brings together existing program services for approximately 200 low and very low income elderly and special needs tenants.
- **Miami Beach Community Development Corporation – Villa Maria Tenant Relocation Program - \$50,000** – This program will allow for the relocation of 30 current elderly low to moderate-income tenants from the Villa Maria Apartment Building while the building is renovated and brought up to decent, safe, and sanitary housing conditions. Tenants will return to the building after the renovations are completed.
- **Miami Beach Community Health Center - Beverly Press Satellite Center - \$35,000** - To offer a full range of preventive, diagnostic and treatment services to 12,000 persons of all ages, races, ethnicity and genders at the North Beach satellite.
- **Miami Beach Community Health Center – Dr. Sol Lichter Hi-Tides School Based Health Center - \$10,163** - To provide comprehensive health care services to 1,100 children at Miami Beach Senior High, including risk reduction and education.
- **Montessori Academy at St. John’s – School Scholarships Program - \$15,000** - To provide reduced-fee child care scholarships to 5 children of income-eligible families.

- **R.A.I.N. Parents, Inc. - Family Network Services: Emergency Housing Assistance - \$40,000** - To provide vouchers for emergency food, medical, child care, and housing assistance, for approximately 150 low to moderate-income individuals and families with children residing in Miami Beach who have received eviction notices or who are already homeless, with peer counseling for assisting parents in making positive life changes towards self-sufficiency.
- **Shelbourne House Inc. - Shelbourne House - \$18,000** - To provide 42 project based housing units with supportive services in a secure and healthy environment to individuals living with HIV/AIDS who choose to live independently.
- **UNIDAD of Miami Beach – Coral Rock House - \$79,738** - To provide funding for the emergency renovations of the facility, including structural work, ventilation, flooring, handicapped ramp, and new irrigation.
- **UNIDAD of Miami Beach, Inc. - Project Link - \$15,000** - To provide information and referral services, employment activities and bilingual assistance to approximately 4,000 income-eligible Miami Beach residents at the Miami Beach Hispanic Community Center.

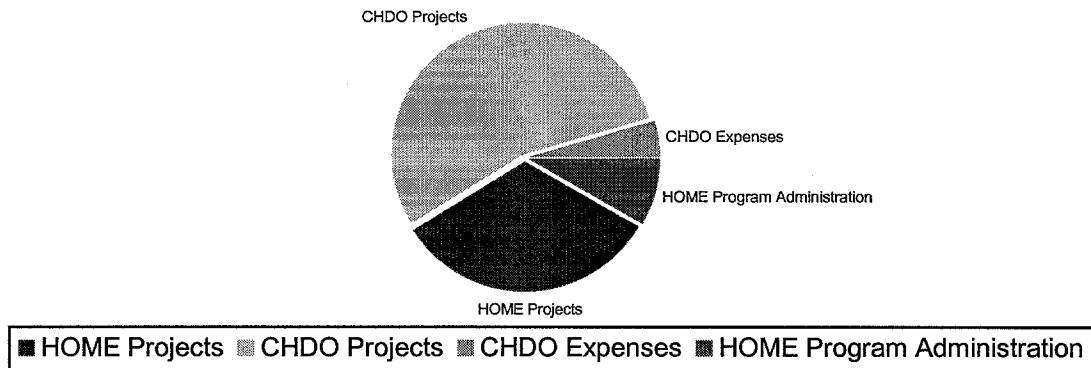
**PRIOR YEARS' CDBG ACTIVITIES** - This list of activities includes prior year CDBG funded activities to be carried over and included in the activities for fiscal year 2005/06.

- **City of Miami CIP Office – Normandy Isle Park and Pool - \$438,848** - To conclude final construction of the Normandy Isle Park and Pool facilities that will serve low to moderate-income residents in the North Beach area. This project is underway and should be completed by the end of 2005.
- **City of Miami CIP Office – \$40,000 – Marseille Drive Street Improvements** – To provide architectural services for the completion of the Marseille Drive Street improvements project in the North Beach area.
- **City of Miami Beach Fire Department – Construction of Fire Station Number 4 - \$601,221** - To provide funds for the construction of the new facility for Fire Station Number 4 that will serve low to moderate-income residents in the North Beach area. This project is underway and should be completed in 2006.
- **Jewish Community Services – Senior Center Improvements - \$47,920** – To provide facility improvements to the Miami Beach Senior Center which serves low to moderate income senior citizens. This project is scheduled to commence in July 2005 and be completed by October 2005.
- **Log Cabin Training Center – Facility Improvements - \$174,832** – For facility improvements and ADA accessible ramps and restrooms for the training center which provides life skills and job training for developmentally disabled adults. A master plan has been completed and the architect for the project was commissioned to design construction plans for various ADA improvements. The project is expected to be completed by June 2006.

- **Miami Beach Community Health Center – Acquisition and Expansion of Stanley Myers Center Site - \$217,862** – To provide acquisition funds for the Miami Beach Community Health Center, located at 710-720 Alton Road to provide for expansion of its facilities, which will allow for additional medical, dental, and nonresidential mental health services for an increased number of patients. The acquisition of the space for the new center building is expected to be completed by the end of 2005.
- **UNIDAD of Miami Beach - Senior Center - \$300,000** - To provide funding for the acquisition of a facility to be rehabilitated and operated by UNIDAD of Miami Beach as a senior center to provide a broad array of services to serve the low- and moderate income elderly population.

- II. HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM** - This list of activities includes entitlement funds of \$1,238,368 and recaptured funds of \$225,500.
- **City of Miami Beach - HOME Program Administration - \$123,837** - For management, oversight, coordination, monitoring, evaluation, staff and overhead, public information, fair housing education activities, indirect costs and planning activities. This line item includes \$7,500 set-aside for Housing Opportunities Project for Excellence, Inc. (H.O.P.E., Inc.) for a Fair Housing Education Program, which is matched by an equal amount of CDBG funds.
  - **Community Housing Development Organization (CHDO) Project Set-Aside - MBCDC - \$800,000** - Acquisition and/or rehabilitation, multi-unit residential. To provide rental and/or homeownership opportunities.
  - **Community Housing Development Organization (CHDO) Expenses (5%) - MBCDC - \$61,918** - Funds to pay salaries, wages, and other employee compensation and benefits, rent, utilities, employee education, travel, training, communication costs, taxes, insurance, equipment, materials, and supplies.
  - **HOME Projects - \$478,113** - To provide funding for rehabilitation initiatives to upgrade the housing stock in the City of Miami Beach. May also include acquisition activities.

**HOME Funds By Activity**



**PRIORITY NEEDS ADDRESSED**

This description of activities estimates the number and type of families that will benefit from the proposed activities, the specific local objectives and priority needs that will be addressed by the activities using formula grant funds and program income that the City expects to receive during the program year. It also includes proposed accomplishments, and a target date for completion of the activities. This information is also included in Appendix 1, as prescribed by HUD.

**Non-Housing Activities:**

- Child Care Services
- Code Compliance
- Economic Development
- Employment Training
- General Public Services
- Health Services
- Public Facilities and Improvements
- Repayment of Section 108 Loan Principal
- Senior Programs and Senior Services
- Services to Persons with Disabilities
- Youth Programs

**Housing Activities:**

- Acquisition and Disposition
- Fair Housing Activities
- Multifamily Housing Rehabilitation
- Owner-Occupied Rehabilitation
- Direct Homeownership Assistance
- Relocation Assistance

**Homeless Activities:**

- Emergency Shelter/Transitional Housing
- Homeless Prevention
- Outreach

## Geographic Distribution

Most of the activities described in the One-Year Action Plan will take place in HUD designated community development target areas. These target areas contain census tract/block groups that display evidence of a greater than 51% of households with incomes at or below 80% of the median income and continue to be a priority for allocation of resources. The northern and southern portions of the City also contain the largest number of the multi-family structures that require rehabilitation and have the highest concentrations of income-eligible families.

### **North Beach**

CDBG funds are directed to the northern target areas, as follows:

\$ 80,000	City of Miami Beach - Code Compliance North Beach District
\$ 405,000	City of Miami Beach - Repayment of Section 108 Loan
\$ 150,000	City of Miami Beach – Normandy Isle Park & Pool
\$ 35,000	Miami Beach Community Health Center - Beverly Press Satellite Center
\$ 15,000	UNIDAD of Miami Beach Inc. – Project Link
<u>\$ 79,738</u>	UNIDAD of Miami Beach Inc. – Coral Rock House Facility Improvements
\$764,738	Total CDBG funds for northern target areas

### **South Beach**

CDBG funds are directed to the southern target areas, as follows:

\$ 45,000	Boys and Girls Club - Miami Beach Juvenile Programs
\$ 57,700	Jewish Community Services - Miami Beach Senior Center Improvements
\$ 50,000	Little Havana Activities and Nutrition Centers -Elderly Meals Program
\$ 242,166	Little Havana Activities and Nutrition Centers – Rainbow Childcare Facility Improvements
\$ 50,000	Little Havana Activities and Nutrition Centers - Rainbow Child Care
\$ 20,000	Miami Beach Adult & Community Center – Miami Beach Afterschool Program
<u>\$ 10,163</u>	Miami Beach Community Health Center – Hi-Tides School Based Health
\$475,029	Total CDBG funds for southern target areas

### **Middle Beach**

CDBG funds are directed to the middle beach area, as follows:

\$ 50,000	Miami Beach Community Development Corp. – Villa Maria Apt. Relocation
<u>\$ 15,000</u>	Montessori Academy at St. John's – Child Care Scholarships
\$ 65,000	Total CDBG funds for middle beach area

### **City-Wide**

CDBG funds are considered to have citywide benefits/beneficiaries:

\$ 525,550	City of Miami Beach – Administration, including fair housing education
\$ 26,000	Food for Life Network - Home Delivered Food Program
\$ 15,000	HELP - HIV, Education and Law Project
\$ 15,000	Jewish Community Services - Homeless Outreach Prevention & Employment
\$ 15,000	Jewish Community Services – Miami Beach Senior Center
\$ 25,000	Jewish Community Services - Senior Meals on Wheels Program

**City of Miami Beach**  
**One-Year Action Plan for Federal Funds**  
**Fiscal Year 2005-2006**

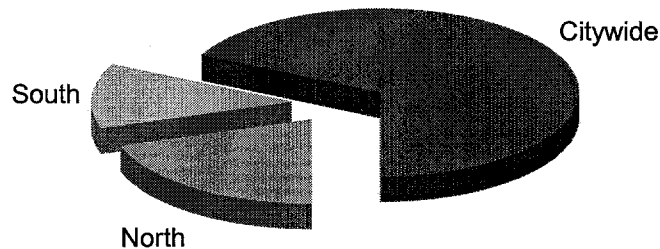
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\$	20,000	Miami Beach Community Development Corp. - Tenant Service Coordinator
\$	40,000	Miami Beach Community Development Corp. - Housing Counseling
\$	160,000	Miami Beach Community Development Corporation - Scattered Site Home Buyers Assistance Program Acq./Disposition
\$	75,000	Miami Beach Community Development Corp. - Owner Occupied Rehab
\$	125,000	Miami Beach Community Development Corp. - Multi-Family Rehab Program
\$	18,000	Shelbourne House, Inc. - Shelbourne House
\$	40,000	RAIN Parents, Inc. - Family Services Network
	<u>\$1,099,550</u>	Total Citywide Distribution of CDBG Funds

With regard to the HOME Investment Partnerships Program, the funds are considered to have a citywide benefit:

\$	123,837	HOME Planning, Administration and Monitoring
\$	800,000	CHDO Project Set-aside - Miami Beach Community Development Corp.
\$	61,198	CHDO Operating Expenses (5%)
\$	<u>478,113</u>	HOME Projects
\$	1,463,148	Total Distribution of HOME funds

**Geographic Distribution of FY 2005-2006 Funds**



## HOMELESS AND OTHER SPECIAL NEEDS ACTIVITIES

The City of Miami Beach will use non-federal funds to undertake activities during fiscal year 2005/2006 to:

- Address the emergency shelter and transitional housing needs of homeless individuals and families (including sub-populations);
- Prevent low-income individuals and families with children (especially those with incomes below 30 percent of median) from becoming homeless;
- Help homeless persons make the transition to permanent housing and independent living; and
- Address the special needs of persons who are not homeless.

### Homeless

The City's Office of Homeless Coordination intends to implement the following activities to address the needs of homeless individuals and families, to prevent low-income individuals and families with children from becoming homeless, and to help homeless persons make the transition to permanent housing and independent living.

- **Emergency Shelter/Transitional Shelter Needs** - The City will provide CDBG funds to Jewish Community Services to provide employment and job training services to situational and economically homeless individuals, homeless persons in families with children, and those in danger of becoming homeless. The program will also provide case management and referrals, bus passes, bus tokens, food vouchers and voice mail, as well as work clothes and equipment.
- **Homeless Prevention** - The City will provide CDBG funds to RAIN Parents, Inc. to provide emergency assistance to individuals, families with children, and elderly persons who are currently housed, but threatened with homelessness.



### Other Special Needs

The City intends to implement activities to address the needs of persons who are not homeless but require supportive housing. This includes the elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addiction, persons with HIV/AIDS and their families, public housing residents and any other categories the City may specify as eligible.

- The Miami Beach Community Development Corporation (MBCDC) acquired an apartment building named Aimee II located on 532 Michigan Avenue. This property will be completely renovated by the end of 2005. This building will provide eighteen (18) rental units for income-eligible elderly persons. The City provided \$943,900 in HOME Program funds for this project. Earlier this year, MBCDC completed the apartment building named Aimee I, located on 530 Michigan Avenue. This building now provides nine (9) rental units for income-eligible elderly persons. The City provided \$333,000 in HOME Program funds for this project.
- The Miami Beach Community Development Corporation has acquired and is in the process of rehabilitating an apartment building known as the Villa Maria Apartments located at 2800 Collins Avenue. This building will provide thirty-four (34) rental units for income-eligible elderly persons. The City provided \$1,600,000 in HOME Program funds for this project, which is expected to be completed in 2007.
- The Miami Beach Community Development Corporation has acquired and is in the process of rehabilitating an apartment building known as the Westchester Apartments located at 516 15<sup>th</sup> Street. This building will provide twenty-four (24) rental units for income-eligible elderly persons. The City provided \$1,305,691 in HOME Program funds for this project, which is expected to be completed in 2007.
- Carrfour Supportive Housing acquired an apartment building known as Sunsouth Place located at 530 Meridian Avenue. This building will provide fifty-five (55) single room occupancy units for formerly homeless persons. The City provided \$309,469 in HOME Program funds for this project, which is expected to be completed in 2006.
- The City will provide CDBG funds to Jewish Community Services to fund an aide to supervise day care services to frail elderly senior citizens in a structured supportive setting. The City will also provide CDBG funds to Jewish Community Services to deliver meals to homebound elderly participants residing in eligible target areas and a shopper to purchase necessary items for frail elders unable to shop for themselves.

- The City will provide CDBG funds to Little Havana Activities and Nutrition Centers of Dade County, Inc. to provide nutritionally balanced meals to Miami Beach elderly clients at two congregate meal sites.
- The City will provide CDBG funds to Food for Life Network to provide weekly home-delivered meals and groceries to income-eligible homebound persons in Miami Beach with HIV/AIDS.
- The City will provide CDBG funds to The Shelbourne Apartment Building to provide supportive services in a secure and healthy environment to individuals living with AIDS who choose to live independently.
- Help Law Project – The HIV Education Law Project (HELP) will provide free legal assistance to approximately 500 clients with HIV/AIDS in matters of public benefits, discrimination, wills/trusts and family law.
- The City will provide CDBG funds to Miami Beach Community Development Corporation to fund a coordinator that brings together existing program services for mostly low and very low income elderly and special needs tenants.

#### **OTHER ACTIONS**

During fiscal year 2005/2006, the City plans to undertake certain other actions to address obstacles to meeting community needs.

##### **General**

In 1999, the City applied for and was approved for a \$4,000,000 Section 108 loan and a \$1,000,000 Economic Development Initiative grant to assist in financing economic development activities and neighborhood improvements that will complement the revitalization efforts of the local business communities within the City. The loan and grant are being used to implement three separate streetscape improvement projects and assist with the completion of the North Shore Youth Center in the northern target area of Miami Beach. The North Shore Youth Center was completed in 2004. The Marseille Drive Streetscape Project was completed in 2005.

##### **Underserved Needs**

The City of Miami Beach has many needs, many of which are underserved, as evidenced by the consistently large number of funding requests for public services activities. The City will continue to take an active role leveraging resources in support of its non-profit partners and other organizations.

##### **Foster and Maintain Affordable Housing**

The City will continue to work with housing providers to expand the supply of affordable housing. The City will continue to fund a number of programs to

provide home-ownership opportunities and expand the number of high quality rental units housing available for its low-income senior citizens, working families and special needs populations.

**Remove Barriers to Affordable Housing**

The City will continue its state-mandated regulatory reduction self-examination program during the 2005/2006 program year to ensure that the City's regulations do not act as a barrier to affordable housing.

**Lead-Based Paint**

The Miami-Dade County Social Services Department cooperates with the Florida Department of Health, Division of Children's Medical Services, to identify children with elevated levels of lead in their blood. The City will require monitoring of any children living in assisted housing who are identified with Environmental Intervention Blood Lead Level. City employees are familiar with the new regulation for lead-based paint. The City is now complying with the requirements of the regulation, which went into effect on October 15, 1999, and will assure that all the housing projects will comply with the new lead-based paint requirement, as published in 24 CFR 35.

**Reduce Poverty**

The City will fund job placement services for homeless or near homeless individuals through Jewish Community Services. In addition to these job creation projects, this annual plan contains other activities to ease the burden of poverty, and to provide families and individuals with essential services, which afford them opportunities for improving their specific situations.

**Develop Institutional Structure**

The City will continue to provide technical assistance and training to its non-profit housing and social services providers to develop and enhance the City's collective delivery systems.

**Coordination**

The City of Miami Beach Housing and Community Development Division within the Neighborhood Services Department is charged with carrying out the Five Year (2003-2007) Consolidated Plan and the One-Year Action Plan. The Division is the main source of disseminating information to other agencies and entities in administering and carrying out the goals of the Consolidated Plan.

**Foster Public Housing Improvements and Resident Initiatives**

Senior citizen housing in the City is in good condition and because residents are elderly, the Housing Authority of the City of Miami Beach plans no major resident initiatives.

**Public Housing Comprehensive Grant Program**

The Housing Authority of the City of Miami Beach is an autonomous agency, which does not have sufficient units to participate in the Comprehensive Grant program.

## **MONITORING**

Monitoring of the various activities described in the One-Year Action Plan is a continuous and ongoing process. To ensure that planning will continuously reflect the successes and lessons learned from previous activities, the City monitors the effectiveness of its programs and initiatives, and prepares reports for submission to the U.S. Department of Housing and Urban Development as required by the program regulations.

The City enters into binding subrecipient contract agreements with organizations receiving federal funds. These agreements provide a basis for enforcing the goals and objectives of the Action Plan, the federal rules and regulations, and the time frame to achieve the stated accomplishments. The agreements contain remedies in the event of a breach of the provisions by the subrecipient parties.

The overriding goal of monitoring is to ensure that services are provided as prescribed in the subrecipient contract, and to identify deficiencies and remedial actions. The emphasis is on prevention, detection and correction of problems. Toward this end, all monthly and quarterly reports submitted by the subrecipients are thoroughly examined to ensure compliance. Furthermore, on-site technical assistance visits and monitoring visits are performed throughout the program year.

Communication is the key to a good working relationship with the subrecipient agencies. Monitoring is an ongoing process involving continuous subrecipient communication and evaluation. The staff of the Housing and Community Development Division is experienced in subrecipient monitoring criteria and techniques.

## **GUIDELINES FOR THE RECAPTURE OF HOME FUNDS**

The City shall require each homebuyer assisted under the HOME Program to execute a mortgage, which is recorded in the public records. The Mortgage shall be recorded as a lien against the property to ensure that when the property is sold, transferred, or ceases to serve as a primary residence, the homebuyer shall return to the City the full HOME subsidy that enabled the homebuyer to buy the dwelling unit. If the net proceeds from such sale (after deducting the owner's investment and closing costs) are less than the full amount of the HOME subsidy, the City shall recapture the entire balance of whatever net proceeds are available for use in other eligible HOME activities. This option will allow the homebuyer to capture market return and provides incentive for the homebuyer to utilize equity to make repairs and property improvements. The occupancy of units will be monitored for the required affordability period based upon the amount of direct HOME subsidy provided to the homebuyer.

## **LEVERAGE/MATCH**

Match requirements for the HOME Investment Partnerships Program will be met with SHIP dollars and other eligible sources of match.

### **2005 PLANNING PHASE SCHEDULE, YR 31**

JAN 28 (FRI)	Request for Proposals (RFP) notification letter sent to individuals/agencies on mailing list
JAN 25 (TUE)	Community Development Advisory Committee (CDAC) meeting - 6:00 p.m. (meeting cancelled for lack of a quorum)
JAN 27 (THU)	Advertisement regarding Community Development Block Grant (CDBG) RFP (English/Spanish)
FEB 1 (TUE)	CDBG RFP available
FEB 22 (TUE)	CDAC meeting – 6:00 p.m.
MAR 2 (WED)	Proposals due - 5:00 p.m. deadline
MAR 13 (SUN)	Advertisement of Pre-Development Public Hearing on March 15 (English/ Spanish)
MAR 15 (TUE)	Public Hearing for Pre-Development of One-Year Action Plan and CDAC meeting - 6:00 p.m. (CDAC meeting cancelled for lack of a quorum)
MAR 28-APRIL 3 (MON-SUN)	Community Development Week
APRIL 1 (FRI)	Community Development Week main event – Acquisition of the Villa Maria Apartment Building
APR 13 (WED)	CDAC meeting - Proposal Presentations – 9:00 a.m.-5:00 p.m.
MAY 24 (TUE)	CDAC meeting - Proposal Deliberation - 6:00 - 9:00 p.m.
JUNE 1 (WED)	CDAC Meeting with the City Manager to finalize funding recommendation - 6:00-9:00 p.m.
JUNE 12 (SUN)	Advertisement of Public Hearing on June 14 (English/Spanish)
JUNE 14 (TUE)	Public Hearing on development of the One-Year Action Plan
JUNE 19 (SUN)	Advertisement of the 30-Day Comment Period begins on the Draft of the One-Year Action Plan (English/Spanish)
JUNE 20 (MON)	30-Day Comment Period begins on the Draft of the One-Year Action Plan
JULY 20 (WED)	30-day comment period ends on the Draft of the One-Year-Action Plan
JULY 27 (WED)	One-Year Action Plan sent to City Commission for approval
AUG 16 (MON)	Deadline for One-Year Action Plan to be submitted to HUD
AUG 22 (MON)	CDBG awarded funds notification letter sent to subrecipients
SEPT	Annual Environmental Review – for preceding fiscal year of upcoming funded activities

SEPT

## Rental housing property standards inspection

SEPT 30 (FRI)

Semi-Annual Labor Standards Enforcement Report Summary – due within  
10 days after September 30; Section 3 Summary Report due

SEPT 30 (FRI)-

HUD form 2516 – Grantee Contract and Subcontract Activity Report/

OCT 10 (MON) MBE Report is submitted to HUD – due within 10 days after September 30

OCT 1 (SAT)F

2005/2006, Program Year 31 begins

OCT 18 (TUE)

CDAC meeting - 6:00 p.m.

DEC 29 (WED)

Deadline for Consolidated Annual Performance and Evaluation Report (CAPER) to be submitted to HUD and HOME match report due



Distribution Formula			
Source/Expense			
Entitlement Allocation			2,002,924
Recaptured Funds			-
Fein berg Child Care	91		
CMB Homeless Assistance	24,342		
CMB Administration	60,000		
NBDC	100,000		
2002 Homeless RFP	100,000		
Recaptured Multifamily (Tropicana)	116,960		401,393
Actual PI 2003/04	624,827	<b>Total:</b>	<b>2,404,317</b>
Administration (Entitlement)	400,585		-
Administration (PI)	124,965		525,550
Public Services			394,163
Section 108			405,000
Code Compliance			80,000
			<b>1,404,713</b>
Hard Cost			<b>999,604</b>
<b>Total</b>		<b>Total:</b>	<b>2,404,317</b>
			-

CMB - CDBG Funding Ledger (Recap)									
FY 2005/2006									
<b>CMB SETASIDE</b>									
Prp. #	Organization	Project	Granted FY 2002/03	Granted FY 2003/04	Granted FY 2004/05	Requested FY2005/06	Final	2,404,317	
	CMB	Administration	635,400	632,600	523,600	525,550	525,550		
	CMB	Section 108 Loan Principal	340,000	360,000	380,000	405,000	405,000		
06	CMB	Normandy Isle Park & Pool	0	138,848	0	100,000	150,000		
	CMB	Serv. Del. Code Enforcem't	42,000	45,000	72,581	80,000	80,000		
					976,181	1,110,550	1,160,550		
<b>PUBLIC SERVICES</b>									
Prp. #	Organization	Project	Granted FY 2004/05	Requested FY2005/06	Final				
01	Art Center	Operations	60,000	40,000	30,000	112,000	0		
03	Boys & Girls Club	Juvenile Program	52,000	40,000	45,000	70,071	45,000		
05	Carfour	Homeless Outreach	0	0	0	89,880	0		
07	Fifty Five Years & Up	Feed the Elderly	0	0	0	100,000	0		
08	Food for Life Network	Home Delivery Groceries	15,000	10,000	13,000	58,265	0		
09	Food for Life Network	Home Delivery Meals	15,000	10,000	13,000	32,850	26,000		
11	HELP	HIV Education & Law Project	0	0	15,000	30,000	15,000		
13	JCS	Homeless Outreach	20,000	15,000	15,000	26,560	15,000		
14	JCS	MB Senior Center	14,250	10,000	15,000	46,293	15,000		
15	JCS	MB Senior Meals	19,000	15,000	25,000	43,894	25,000		
16	Labelle Beauty Academy	Vocational Program	0	0	0	51,670	0		
17	Little Havana Activity Ctr.	Elderly Meals	45,500	41,500	50,000	118,985	50,000		
18	Little Havana Activity Ctr.	Rainbow Daycare	56,500	40,000	50,000	100,938	50,000		
26	Miami Beach Adult & Com.	Afterschool Care	0	5,000	20,000	60,000	20,000		
27	MB Comm. Health Ctr.	Beverly Press Ctr.	40,000	30,000	35,000	490,000	35,000		
28	MB Comm. Health Ctr.	Hi-Tides School Health	20,000	20,000	25,000	59,200	10,163		
31	Montesori Academy	Scholarships Program	15,000	13,000	15,000	18,000	15,000		
32	Montesori Academy	School Supplies	0	0	0	8,307	0		
36	Prime Time Seniors	Prime Time Seniors	0	0	0	15,000	0		
37	RAIN Parents	Family Services	38,000	35,000	40,000	45,000	40,000		
38	Shelbourne House	Shelbourne House	22,000	17,000	18,000	30,000	18,000		
39	Teen Job Corps	Youth Services	19,678	20,000	32,525	154,930	0		
40	UNIDAD	Project Link	20,000	15,000	15,000	53,078	15,000		
					471,525	1,814,921	394,163		



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**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution awarding a contract to the lowest and best, responsible bidder, GableSigns and Graphics, Inc. in the amount of \$1,476,623.62, pursuant to bid no. 16-04/05 for Fabrication and Installation of Signage Package with a Two-Year Sign Maintenance Service Agreement, in accordance with the City of Miami Beach Citywide Wayfinding and Identity System; Approving \$137,205 for Contingencies; Approving \$61,884 for Construction Administration; and Appropriating Funds in the Amount of \$218,726 from Fund 481 Parking Revenue Bonds Series 1997, for a total Project Budget of \$1,675,713.00

**Issue:**

Whether to approve the contract award to GableSigns and Graphics, Inc?

**Item Summary/Recommendation:**

The work specified in this bid consists of furnishing all labor, machinery, tools, means of transportation, supplies, equipment, materials, engineering drawings, permits, field locations, underground utility verification, GIS coordinates and other services necessary for the fabrication and installation of a Citywide Wayfinding Signage System. This comprehensive signage system includes 3 City Gateways and approximately 796 individual signs, including the following sign types: zone gateways, zone directional, vehicular directional, destination arrival, neighborhood identification, parking trailblazer, parking lot arrival, pedestrian directional, pedestrian orientation map, historic marker, pedestrian/bicycle trail markers and pedestrian/bicycle trail directional. All work will be based upon the design, location and message schedules prepared by Hillier Design Group, contained in the "Graphic Signage Standards Manual" and the "Sign Location Plans and Message Schedule".

The recommended contract award includes the base bid, add alternates, replacement stock, and maintenance services including sign inspection, cleaning, replacement and related maintenance services for a 2-year period, with options to renew annually for up to 5 years. The total contract award to GableSigns and Graphics, Inc. will be \$1,476,623.62. The budget also includes \$137,205 for contingencies and \$61,884 for construction administration by Public Works.

The 2004-2005 Capital Budget approved a total of \$1,463,280 for this project from Convention Center, Parking Revenue Bonds, City Center TIF and South Pointe TIF. The additional appropriation of \$218,726 from Parking Revenue Bonds is necessary because of adjustments in the final cost of signs in the two RDA districts and to cover the contingency and construction administration fees.

APPROVE THE AWARD.

**Advisory Board Recommendation:**

The Miami Beach Convention Center Capital Oversight Committee approved the project April 24, 2001  
The DRB and the HPB approved the design drawings at a joint public hearing on August 17, 2004

**Financial Information:**

**Amount to be expended:**

Source of Funds:

Finance Dept.

	Amount	Account	Approved
1	\$ 218,726	Fund 481 Parking Revenue Bond 1997	
2	\$		
3	\$		
4	\$		
<b>Total</b>	<b>\$ 218,726</b>		

**Sign-Offs:**

Department Director	Assistant City Manager	For City Manager
GL  JG/FB	TH	JMG

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AGENDA ITEM

R7G

DATE

7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.ci.miami-beach.fl.us



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT TO THE LOWEST AND BEST BIDDER, GABLESIGNS AND GRAPHICS, INC., IN THE AMOUNT OF \$1,476,623.62, PURSUANT TO BID NO. 16-04/05 FOR FABRICATION AND INSTALLATION OF SIGNAGE PACKAGE WITH A TWO-YEAR SIGN MAINTENANCE SERVICE AGREEMENT, IN ACCORDANCE WITH THE CITY OF MIAMI BEACH CITYWIDE WAYFINDING AND IDENTITY SYSTEM; APPROVING \$137,205 FOR CONTINGENCIES; APPROVING \$61,884 FOR CONSTRUCTION ADMINISTRATION; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$218,726 FROM FUND 481 PARKING REVENUE BONDS SERIES 1997, FOR A TOTAL PROJECT BUDGET OF \$1,675,713.00.**

### **ADMINISTRATION RECOMMENDATION:**

Approve the Award.

### **FUNDING:**

Funding for the contract award, contingency and construction administration is available as follows:

\$ 218,726	Fund No. 481 Parking Revenue Bonds - 1997 (new appropriation)
\$ 475,200	Fund No. 481 Parking Revenue Bonds – 1997 (2004-2005 Capital Budget)
\$ 316,800	Convention Center Capital Projects (2004-2005 Capital Budget)
\$ 438,645	City Center TIF (2004-2005 Capital Budget)
\$ 226,342	South Pointe TIF (2004-2005 Capital Budget)
<b>\$1,675,713</b>	<b>Total</b>

The funding for the total project includes the contract award of \$1,476,623.62 plus a contingency fund of \$137,205 and construction administration by Public Works for \$61,884. The additional appropriation of \$218,726 from Parking Revenue Bonds is necessary because of adjustments in the final cost of signs in the two RDA districts and to cover the contingency and construction administration fees.

## **ANALYSIS:**

A comprehensive signage program is vital to any tourism-oriented community. Enabling visitors to easily navigate and orient themselves and take full advantage of what the City of Miami Beach has to offer will add greatly to visitor satisfaction. From the moment travelers enter our city, a systematic signage system would “route” them to points of interest and link neighborhood to neighborhood. A comprehensive signage system will address pedestrian needs and improve the City’s “walkability” as well as providing information to drivers.

On December 20, 2000, the Mayor and City Commission adopted Resolution No. 2000-24222, appropriating funds in the amount of \$16,000 from the \$92 million General Obligation Bonds Series 2000 as a City match to the \$16,000 allocated by the Miami Beach Visitor and Convention Authority (VCA) for a citywide signage program analysis. The VCA funds were allocated to support the cost of a signage course at the Florida International University (FIU) School of Architecture, with the students conducting an inventory and analysis of signage needs of the City.

The City bond funds were specifically earmarked to offset costs for a forum, with representatives from the Florida Department of Transportation (FDOT) and representatives from the Department of Transportation in other cities where a progressive wayfinding system has been established.

On December 11, 2002, the Mayor and City Commission approved the issuance of RFP-48-01/02 to procure the services of a qualified environmental graphics design firm to provide professional services for the planning, design, installation and long-term maintenance of a graphically unified family of directional and identification signs developed to guide motorists and pedestrians on streets throughout Miami Beach. The family of signs would initially encompass the following and would be capable of expansion to other signage and graphic needs in the City:

1. District gateway signs for entrances to the city and major business and cultural districts
2. District directional signs that include information leading to municipal garages and lots
3. Destination directional signs that direct visitors to cultural attractions, public beaches, shopping districts and major government buildings
4. Trailblazer directional signs
5. Pedestrian wayfinding map and signs
6. Pedestrian/bicycle trail signs
7. Arrival signs marking the entrance to parking facilities and major cultural institutions
8. Consistent city map for handouts in parking facilities, kiosks and attractions.

On September 19, 2002 the City Manager via Letter to Commission (LTC) No. 214-2002, appointed an Evaluation Committee (“the Committee”) to select a professional firm from all qualified candidates who provided proposals pursuant RFP-48-01/02. Through this

### **ANALYSIS (Continued):**

evaluation process the firm of the Hillier Group was recommended to negotiate a contract to provide the services required under RFP-48-01/02. After successful negotiation Hillier was able to begin the planning and design process of the wayfinding project.

The Administration established two committees to work with the consultant throughout this project. The Steering Committee is made up of senior staff members in the departments of Planning, Public Works, CIP, Parking, Convention Center, Economic Development,

Tourism and Cultural Development, Finance, and the VCA. The Stakeholder Group is made up of representatives from individual destinations and/or districts that will be identified in the signage system. Examples of these stakeholders include the museums and cultural facilities, business districts, public facilities, and visitor information centers.

The planning phase of this project consisted of two major efforts. One is the “wayfinding” analysis, which is a technical analysis of the hierarchy of districts and destinations and the optimum routes that visitors should be directed to follow. The consultant held numerous meetings with the Steering Committee, the Stakeholders, the Police Department, and representatives from the Florida Department of Transportation (FDOT) and the Miami-Dade County Public Works Department to collect information for this analysis. The results of this effort were documented in a Wayfinding Master Plan dated September 3, 2003. The consultant then proceeded with the following step in the wayfinding analysis which is to program the locations and the messages needed for each type of sign. The sign location and message schedule has been reviewed and approved by the Steering Committee.

The second major effort in the planning phase was the conceptual design of the signs. This began with a series of meetings with the regulatory agencies to establish a common understanding of the rules that must be followed versus the areas where flexibility and creative design will be permitted. On July 24, 2003, the consultant conducted an “Identity Forum” to elicit reactions to images, colors, typography, pattern, materials, architecture, themes, words and historical references that reflect (or don’t reflect) the overall identity of Miami Beach. A total of thirty-two persons participated in the Forum from an invitation list that included the Mayor and Commission, the Design Review Board, the Historic Preservation Board, the Planning Board, the Stakeholder Group and the Steering Committee. The consultant used the input from the Identity Forum to provide design direction and inspiration.



**ANALYSIS (Continued):**

The consultant presented three alternative design concepts for the community to make the choice of which of the alternatives is best suited for Miami Beach. The public process included the following presentations/reviews:

October 1, 2003	Steering Committee and regulatory agencies
December 16, 2003	Design Review Board
	Community Affairs Committee
	Community Forum / Public Open-House
February 3, 2004	Miami Beach Chamber of Commerce
February 10, 2004	Historic Preservation Board
February 25, 2004	City Commission

Based on the information gathered at each of the above mentioned presentations, the consultant team revised the design and presented the “preferred” schematic design option to the City Commission. On February 25, 2004, the Commission adopted Resolution No. 2004-25508 approving the Schematic Design Concept for the Citywide Wayfinding Signage Project.

On August 17, 2004 the final design for the complete wayfinding sign system was reviewed and approved at a joint public hearing by the Design Review Board and the Historic Preservation Board. The final design images are attached to this memo. The consultant team then proceeded to prepare construction drawings.

**Bid Process**

On May 16, 2005 ITB-16-04/05 was issued by the City’s Procurement Division for the City of Miami Beach fabrication and installation of signage package in accordance with the citywide wayfinding and identity system with an optional sign maintenance service agreement. A pre-bid conference to provide information to firms considering submitting a bid was held on May 25, 2004. BidNet issued bid notices to 86 prospective bidders, resulting in 35 bidders requesting bid packages, which resulted in the receipt of 2 bids by the following companies:

- GableSigns and Graphics, Inc.
- Baron Sign Manufacturing

**BID TABULATION**

Company Name	Base Bid	Alternate 1 Additional Signs	Alternate 2 Attic Stock	Alternate 3 Maintenance
GableSigns and Graphics, Inc.	\$994,669.25	\$177,384.86	\$144,569.51	\$160,000.00
Baron Sign Manufacturing	\$1,560,491.20	\$239,933.92	\$176,492.56	\$122,623.56

### **ANALYSIS (Continued):**

The work to be performed under this Contract shall consist of fabrication and installation of a Citywide Wayfinding Signage System. This comprehensive signage system includes 3 City Gateways and approximately 564 individual signs, including the following sign types: zone gateways, zone directional, vehicular directional, destination arrival, neighborhood identification, parking trailblazer, parking lot arrival, pedestrian directional, pedestrian orientation map, historic marker, pedestrian/bicycle trail markers and pedestrian/bicycle trail directional. All work will be based upon the design, location and message schedules prepared by Hillier Design Group, contained in the "Graphic Signage Standards Manual" and the "Sign Location Plans and Message Schedule" contained herein.

The successful bidder will be responsible for fabrication, installation, engineering drawings, permits, field locations, underground utility verification, as-built-drawings and GIS coordinates. The bid includes add alternates for approximately 382 additional signs, banners, and attic stock. In addition, the City is seeking bids for sign cleaning, replacement and related maintenance services for a 2 year period, with options to renew annually for up to 5 years.

#### **Sign fabrication**

Fabricate all sign panels, posts, brackets and support structures according to the specifications in the Graphic Signage Standards Manual and the Sign Location and Message Schedule. The sign types and quantities included in this bid are listed in the Bid Quote Sheet and the Sign Location and Message Schedule. Note that these are estimated quantities to be finalized by field locations at the time of permitting.

#### **Installation**

Install all signs in the approximate locations specified in the Sign Location and Message Schedule. The vendor will be responsible for obtaining all necessary permits, underground utility checks and City approval of final field locations. In locations where other construction projects may interfere with the signs, the City may require the vendor to delay installation until construction is complete.

#### **Engineering**

All signs have been designed to meet current building codes. The vendor will be responsible to provide final shop drawings, sealed by a structural engineer registered in the State of Florida. The three Gateway signs will require some additional structural engineering for the foundation and sign support. The Gateway signs for Harding Avenue (Gate.2) and 5th Street (Gate.3) will require sealed electrical drawings, including connections to the source of power.

#### **Permits**

The vendor will be responsible for obtaining the following permits: FDOT special right-of-way permit (the City of Miami Beach submitted a permit application to FDOT in April 2005 and is in the review process), Miami Dade County Public Works/Traffic Department, City of

### **ANALYSIS (Continued):**

Miami Beach Building Permit including structural and electrical permit, City of Miami Beach Public Works right-of-way permit. Contractor to coordinate the installation with City's Parks & Recreation Department.

#### **Field locations**

Installer representative will be present at all field surveys and site markings prior to installation. As part of a team including the City of Miami Beach, representatives of the design team and other agency representatives, the installer representative responsibilities will include;

1. Measuring and marking out (spray paint) final sign location number and placement
2. Recording measurements of sign placement from nearest intersection
3. Recording any field conditions that may alter or revise design intent
4. Record special field conditions, including custom pavers, colored concrete or other surface treatments that will require treatments
5. Record all message, sign type and location revisions, additions or subtractions that effect the production or installation of the sign program.

#### **Underground utilities**

The vendor will be responsible for contacting the Sunshine State One Call of Florida, Inc. prior to underground digging. Vendor will be responsible for providing all necessary information, including, but not limited to intersection/cross streets, set back dimensions and dimensions from nearest intersection or utility post, as required by the One Call system.

#### **Lighting**

The Gateway signs for Harding Avenue (Gate.2) and 5th Street (Gate.3) have lighting specified in the Graphic Signage Standards Manual. This will require sealed electrical drawings, including plans for connections to the source of power.

#### **As-built record drawings and GIS coordinates**

The vendor will be responsible for providing the City with an as-built record of all signs including sign type, location and message schedule in electronic format (Excel spreadsheet or alternative to be approved by City). GIS coordinates must be provided for each location.

References have been checked by Procurement staff and Kroll Factual Data company background reports have been secured for GableSigns and Graphics, Inc., and this Contractor is highly recommended. GableSigns and Graphics, Inc. has been in business for over 20 years as a Contractor, Sign Manufacturer and Installer and pursuant to the reference check, the information provided, indicates that GableSigns and Graphics, Inc. provides quality work, and completes all jobs within budget and the required completion dates.

### **ANALYSIS (Continued):**

In addition the City's due diligence as to GableSign's past experience, the City's Consultant on this project, The Hillier Group, provided the following verification of references and bid evaluation for both bids.

#### **Bidder: GableSigns**

1. The project information submitted meets the requirements as set forth by the City for experience, size, type and construction value.
2. The unit pricing is competitive, appropriate and a good value to City.
3. The project managers resume is acceptable
4. All necessary qualification documentation has been submitted, including project experience, project schedule and list of sub-consultants. This information meets the requirements set forth in the bid document.
5. It appears all necessary administrative documentation is included, including bid bonds, insurance, etc.
6. The schedule is consistent with the project timeframe outlined in the bid documents (24 weeks total).
7. Gable Signs has completed one project for Hillier (Good Samaritan Hospital, 2004). We found them to be a qualified sign fabricator for large exterior sign projects.

#### **Bidder: Baron Signs**

1. The following information is missing; project experience, references, project managers resume, project schedule and list of sub-contractors.
2. It appears all necessary administrative documentation is included, including bid bonds, insurance, etc.
3. In general, the individual unit pricing appears to be about 20% higher than originally budgeted.
4. No project schedule is included in the information I received.
5. To my knowledge Hillier has no past experience working with Baron Signs.

#### **Two-Year Sign Maintenance and Replacement Services**

Sign maintenance and replacement services were bid as an add alternate and the City reserved the right to award the maintenance portion of the contract to other than the lowest base bid vendor. John Bosio of the design firm of Hillier Group, Consultant to this project, provided the following analysis:

"I strongly recommend keeping the same company on board for the maintenance. The amount of lessons learned (fabrication and installation), familiarity of conditions, consistent construction methods, and the information gathered in the field is extremely important. In the long run it will cost you more if you bring in a new firm to maintain it, their learning curve will be tremendous. Also, the new company will have to "match" the work and graphics that were done originally, materials, patterns, color, layouts, spacing, etc. If they can not match it correctly, this will cause the system to become noticeably inconsistent."

**ANALYSIS (Continued):**

**Construction Timetable**

The schedule proposed by GableSigns and Graphics, Inc. is as follows:

8/1/05	Project Kickoff
9/9/05	Mfg and install product samples
9/12/05	Notice to Proceed
9/26/05 – 12/23/05	Sign Manufacturing Phase
10/3/05 – 11/11/05	Site survey and permitting
11/14/05 – 1/6/06	Installation

**CONCLUSION:**

Based on the analysis, the City Manager and the Administration recommends that the Mayor and City Commission approve a resolution awarding a contract to the lowest and best, responsible bidder, GableSigns and Graphics, Inc. in the amount of \$1,476,623.62, pursuant to bid no. 16-04/05 for Fabrication and Installation of Signage Package with a Two-Year Sign Maintenance Service Agreement, in accordance with the City of Miami Beach Citywide Wayfinding and Identity System; Approving \$137,205 for Contingencies; Approving \$61,884 for Construction Administration; and Appropriating Funds in the Amount of \$218,726 from Fund 481 Parking Revenue Bonds Series 1997, for a total Project Budget of \$1,675,713.00.

**Attachments**

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE AWARD OF A CONTRACT TO THE LOWEST AND BEST BIDDER, GABLESIGNS AND GRAPHICS, INC., IN THE AMOUNT OF \$1,476,623.62, PURSUANT TO BID NO. 16-04/05 FOR FABRICATION AND INSTALLATION OF A SIGNAGE PACKAGE WITH A TWO-YEAR SIGN MAINTENANCE SERVICE AGREEMENT, IN ACCORDANCE WITH THE CITY OF MIAMI BEACH CITYWIDE WAYFINDING SIGNAGE AND IDENTITY SYSTEM; APPROVING \$137,205 FOR CONTINGENCIES; APPROVING \$61,884 FOR CONSTRUCTION ADMINISTRATION; AND APPROPRIATING FUNDS IN THE AMOUNT OF \$218,726 FROM FUND 481 PARKING REVENUE BONDS SERIES 1997, FOR A TOTAL PROJECT BUDGET OF \$1,675,713.00.**

**WHEREAS**, a comprehensive signage program is vital to any tourism-oriented community, enabling visitors to easily navigate and orient themselves and take full advantage of what the City of Miami Beach has to offer; and

**WHEREAS**, on July 10, 2002, the Administration authorized the issuance of a Request for Proposals (RFP) from environmental graphic design firms for the purpose of providing the City with detailed planning and design services for a Citywide Wayfinding Signage System; and

**WHEREAS**, on February 5, 2003, the Mayor and City Commission adopted Resolution No. 2003-25121, accepting the recommendation of the City Manager pertaining to the ranking of proposals received pursuant to RFP No. 48-01/02 for Planning, Design and Construction Administration Services for a Citywide Wayfinding Signage System; and authorized the Administration to enter into negotiations with the top-ranked firm of Hillier; and

**WHEREAS**, on April 30, 2003, the Mayor and City Commission adopted Resolution No. 2003-25182, approving and authorizing the Mayor and City Clerk to execute a Professional Services Agreement with the firm of Hillier, in the amount of \$185,770 for professional fees, and \$22,230 for reimbursable expenses; and

**WHEREAS**, Hillier created three different conceptual designs for the signage system based upon the public input from the Identity Forum, and presented the three design options in several public meetings, including the Design Review Board and the Historic Preservation Board; and

**WHEREAS**, on February 25, 2004, the Mayor and City Commission adopted Resolution No. 2004-25508 approving the schematic design concept for the Citywide Wayfinding Signage System; and

**WHEREAS**, on August 17, 2004, the final design for the Citywide Wayfinding Signage System was reviewed and approved at a joint public hearing by the Design Review Board and the Historic Preservation Board; and

**WHEREAS**, on May 16, 2005, Invitation to Bid No. 16-04/05 was issued for the fabrication and installation of a signage package in accordance with the Citywide Wayfinding Signage and Identity System, with an optional sign maintenance service agreement (the Bid); and

**WHEREAS**, a pre-bid conference to provide information to firms considering submitting a bid was held on May 25, 2004; and

**WHEREAS**, BidNet issued Bid notices to 86 prospective bidders, resulting in 35 bidders requesting Bid packages, which resulted in the receipt of 2 bids by the following companies: GableSigns and Graphics, Inc. and Baron Sign Manufacturing; and

**WHEREAS**, the City's Procurement Division checked references and secured company background reports for GableSigns and Graphics, Inc.; and

**WHEREAS**, the City's Consultant, Hillier, has provided documentation as to GableSigns and Graphics, Inc.'s past performance and quality of work; and

**WHEREAS**, the Contractor's unit price bid for the Wayfinding Signage package, as stipulated in the Bid, is one-million-four-hundred-seventy-six-thousand-six-hundred-twenty-three dollars (\$1,476,623.62); and

**WHEREAS**, available funds exist in the Parking Revenue Bonds Fund 481, the Convention Center Capital Projects fund, City Center TIF and South Pointe TIF for said purposes; and

**WHEREAS**, the City Manager and the Administration recommends that the Mayor and City Commission approve this resolution awarding a contract to the lowest and best, responsible bidder, GableSigns and Graphics, Inc. in the amount of \$1,476,623.62, pursuant to ITB No. 16-04/05 for the fabrication and installation of signage package with a two-year sign maintenance service agreement, in accordance with the City of Miami Beach Citywide Wayfinding Signage and Identity System; and further approve \$137,205 for contingencies; approve \$61,884 for construction administration; and appropriate funds in the amount of \$218,726 from Fund 481 Parking Revenue Bonds Series 1997, for a total project budget of \$1,675,713.00.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND THE CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA,** that the Mayor and City Commission of the City of Miami Beach, Florida, hereby approve and award a contract to the lowest and best bidder, GablesSigns and Graphics, Inc., in the amount of \$1,476,623.62, pursuant to Bid No. 16-04/05 for the fabrication and installation of the signage package with a two-year sign maintenance service agreement, in accordance with the City of Miami Beach Citywide Wayfinding Signage and Identity System; and further approving \$137,205 for contingencies; approving \$61,884 for construction administration; and appropriating funds, in the amount of \$218,726 from Fund 481 Parking Revenue Bonds Series 1997, for a total project budget of \$1,675,713.00.

**PASSED and ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2005.

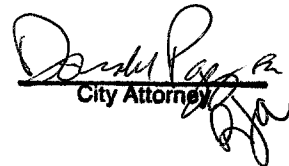
**ATTEST:**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

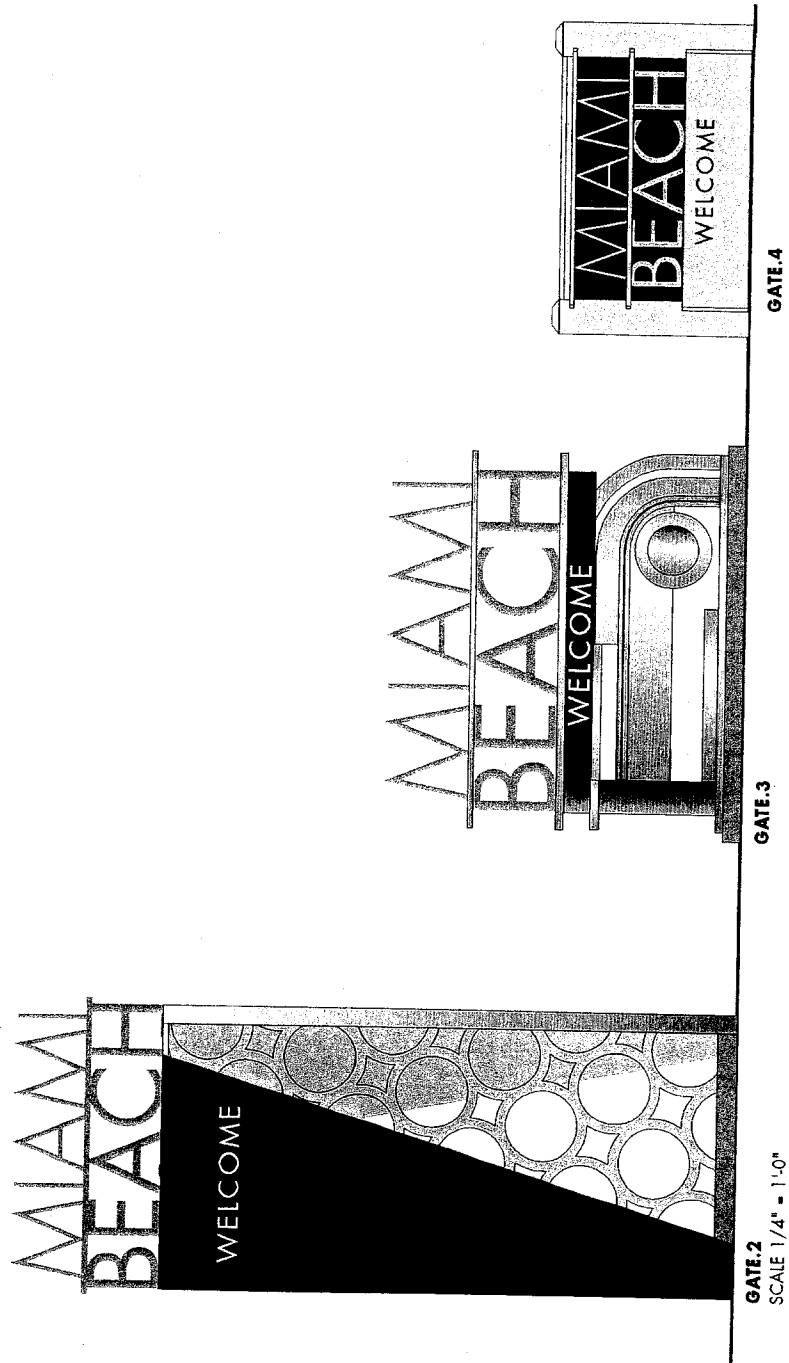
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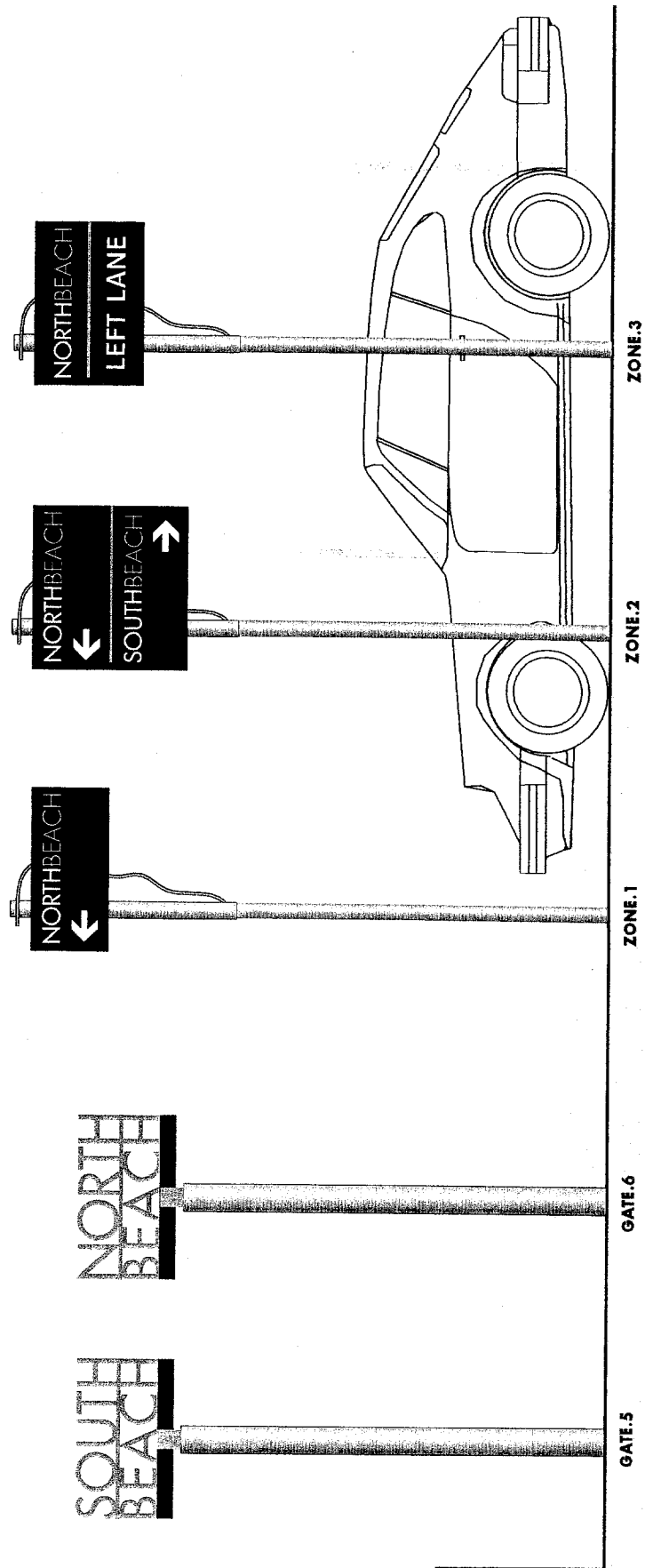
**APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION**

  
\_\_\_\_\_  
City Attorney

7/16/05  
\_\_\_\_\_  
Date







LINCOLN RD  
DESTINATIONS

---

Colony Theater  
ArtCenter  
Lincoln Theater

←

Library

←

---

Mount Sinai  
Medical Center  
Convention  
Center  
City Hall

←

Collins Avenue  
Shopping

---

Ocean Drive

←

Lincoln Road

→

Miami Beach  
Golf Club

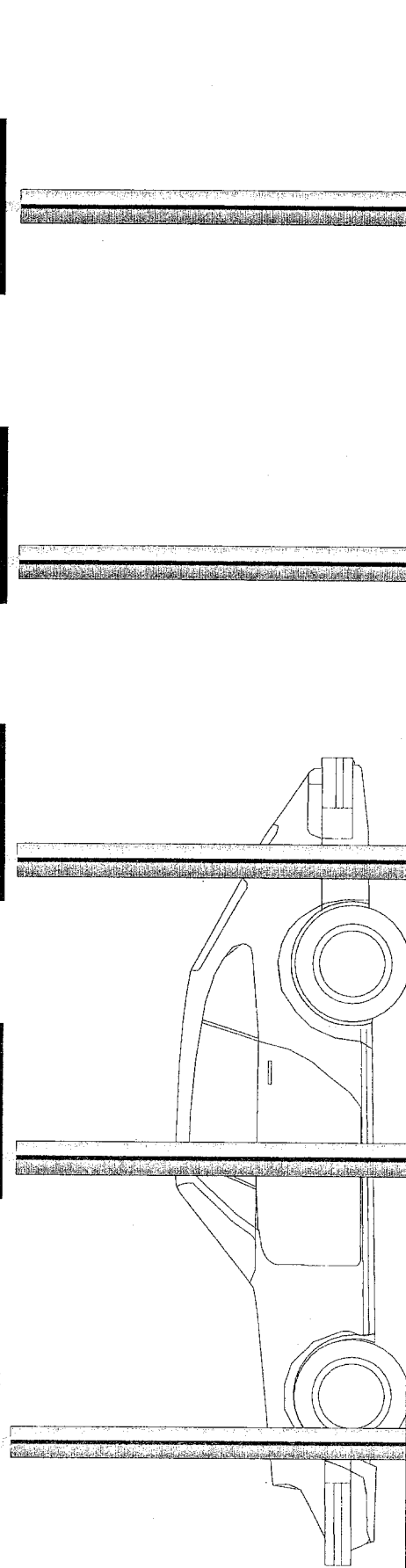
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LINCOLN RD  
DESTINATIONS

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Colony Theater  
ArtCenter  
Lincoln Theater

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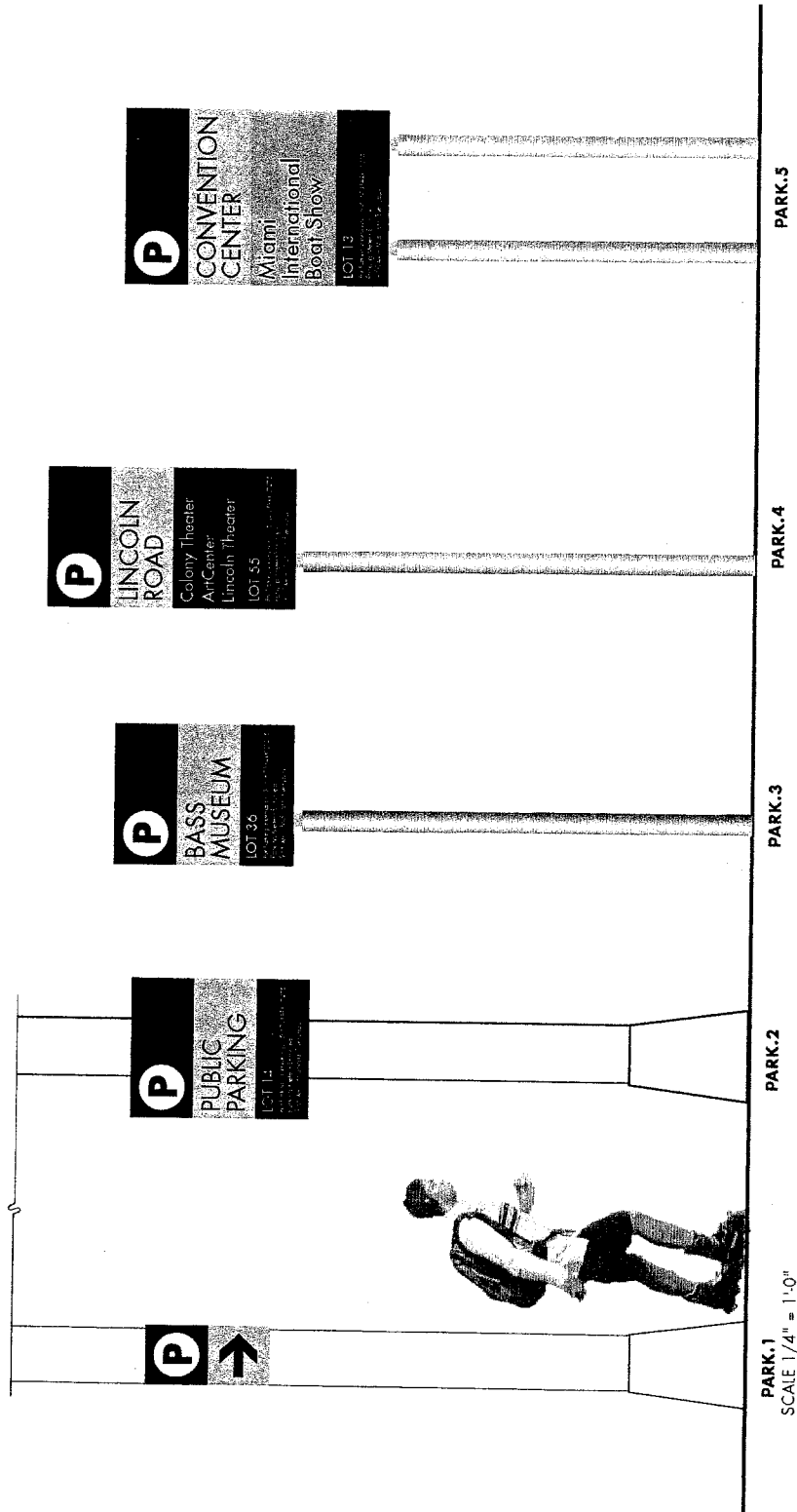
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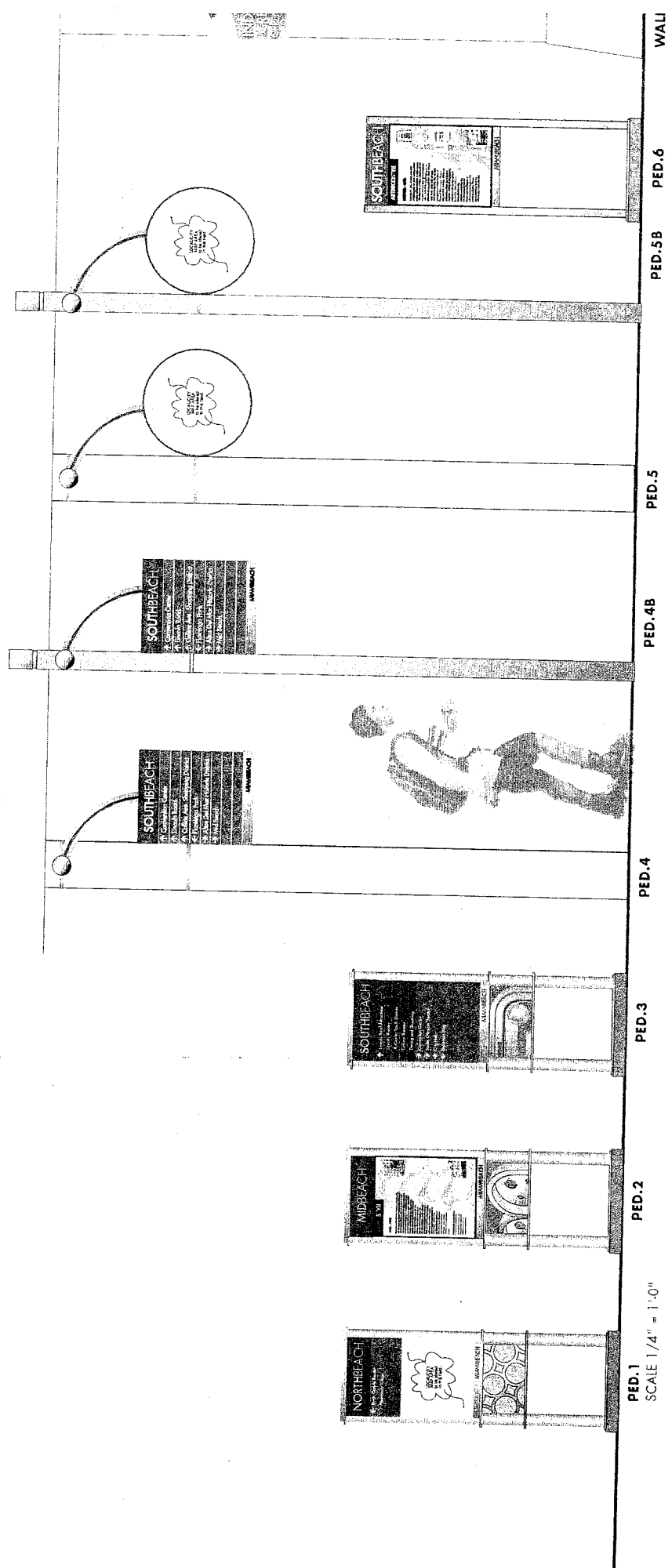
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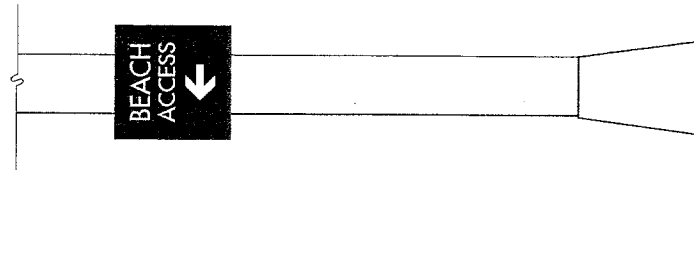
VDIR.6

VDIR.5

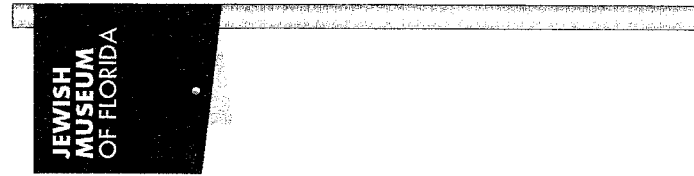
VDIR.4







BEACH.1  
SCALE 1/4" = 1'-0"



ID.1



NEIGH.1

DESCRIPTIONS:

**PED.1, 2, 3**

Located within the 3 city zones, these signs direct pedestrian traffic to adjacent zones and destinations. Signs are ground mounted at prominent open space areas. The design details and icons are derived from the characteristics of each zone. Interpretive Graphic Panels and Maps can also be used as alternate layout configurations

**PED.4**

Located within the 3 city zones, these signs direct pedestrian traffic to adjacent zones and destinations. Signs are mounted to existing light poles, wherever possible, to avoid sign clutter.

**PED.4B**

Located within the 3 city zones, these signs direct pedestrian traffic to adjacent zones and destinations. Signs are ground mounted and bracketed to custom poles.

**PED.5**

Located within the 3 city zones, these signs orient pedestrian traffic with a heads up map of the local area. Signs are mounted to existing light poles, wherever possible, to avoid sign clutter.

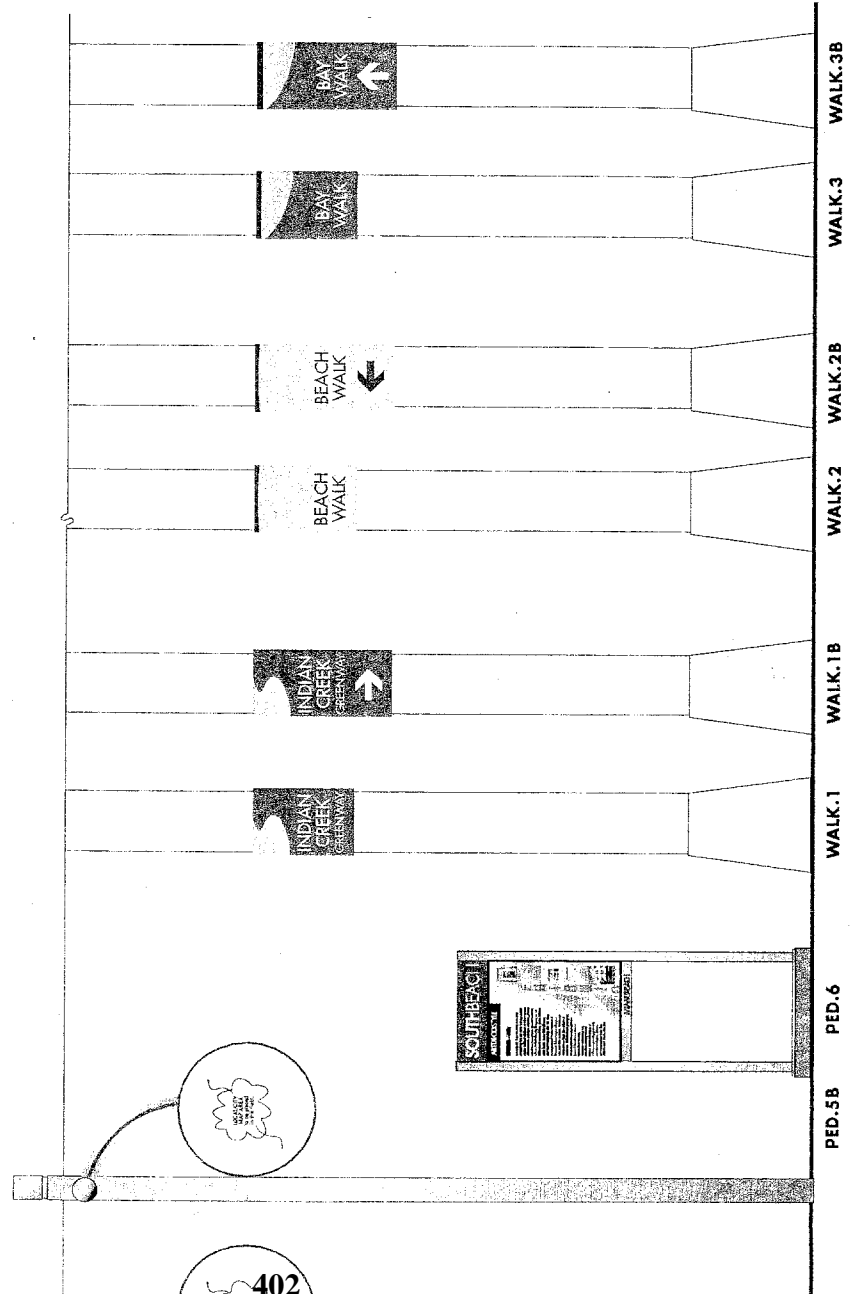
**PED.5B**

Located within the 3 city zones, these signs orient pedestrian traffic with a heads up map of the local area. Signs are ground mounted and bracketed to custom poles.

**PED.6**

Located within the 3 city zones, these interpretive signs are informational and positioned near historically significant landmarks, neighborhoods or locations.

**WALK.1, 2, 3**



July 8, 2005

Ms. Joyce Meyers  
North Beach Planning Coordinator  
City of Miami Beach  
1700 Convention Center Drive  
Miami Beach, FL 33139

RE: CITYWIDE SIGNAGE WAYFINDING PROGRAM – BID ANALYSIS

Dear Joyce,

I have reviewed the bids received for the Citywide Signage and Wayfinding Program, below are my comments

**Bidder: Gable Signs**

1. The project information submitted meets the requirements as set forth by the City for experience, size, type and construction value.
2. The unit pricing is competitive, appropriate and a good value to City.
3. The project managers resume is acceptable
4. All necessary qualification documentation has been submitted, including project experience, project schedule and list of sub-consultants. This information meets the requirements set forth in the bid document.
5. It appears all necessary administrative documentation is included, including bid bonds, insurance, etc. I suggest the City confirm this, as I am not completely aware of all legal submittals required by the City of Miami Beach.
6. The schedule is consistent with the project timeframe outlined in the bid documents (24 weeks total).
7. Gable Signs has completed one project for Hillier (Good Samaritan Hospital, 2004). We found them to be a qualified sign fabricator for large exterior sign projects.

**Bidder: Baron Signs**

1. In the document I received, the following information is missing; project experience, references, project managers resume, project schedule and list of sub-contractors.
2. It appears all necessary administrative documentation is included, including bid bonds, insurance, etc. I suggest the City confirm this, as I am not completely aware of all legal submittals required by the City of Miami Beach.
3. In general, the individual unit pricing appears to be about 20% higher than originally budgeted.
4. No project schedule is included in the information I received.
5. To my knowledge Hillier has no past experience working with Baron Signs.



Ms Joyce Meyers  
July 8, 2005  
Page 2

**Hillier Recommendations:**

Based on the information received and the comments stated above, I recommend awarding the contract to the low most responsive bidder, Gable Signs.

I also highly encourage the City to follow through with the following, prior to awarding the contract.

1. Contact and interview the references provided by Gable Signs.
2. Confirm with Gable Signs that all pricing reflects the specifications, materials and processes specified in the Bid Documents / Design Intent Drawings. Gable should identify any substitute or alternates.
3. Confirm with Gable Signs that they have a signed contract with their sub-contractor for installation and that the sub-contractor understands the scope, specifications, materials, methods and sequencing required to complete the project. Installer should also be familiar with all site conditions and level of effort required.

If you would like to contact Gable Signs and confirm this information by way of conference call, I would be happy to be part of that and assist with the process.

If you have any questions or require additional information, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in black ink, appearing to read "John Bosio". The signature is fluid and cursive, with the first name "John" and last name "Bosio" clearly distinguishable.

John F. Bosio  
Associate Principal

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A resolution approving and authorizing the Mayor and City Clerk to execute a Professional Services Agreement with Calvin, Giordano & Associates, Inc., in the amount of \$1,250,423.00, to provide engineering, urban design, and landscape architecture for design, bid and award, and construction administration services for the North Shore Right-of-Way Infrastructure Improvement Project; and appropriating said amount from the following available funding sources: \$616,343.00 from the 1999 General Obligation Bond and \$634,080.00 from the 2000 Water and Sewer Bond.

**Issue:**

Should the City Commission award a professional services agreement to Calvin Giordano & Associates, Inc., in the amount of \$1,250,423.00 to provide engineering, urban design, architecture, landscape architecture, and construction administration services necessary to complete the design, and construction of North Shore R-O-W Improvements Project and appropriate the required funding for this effort?

**Item Summary/Recommendation:**

On November 2, 1999, the City of Miami Beach voters approved the issuance of an approximately \$92 Million General Obligation (GO) Bond for Neighborhood, Park, Beach and Fire Safety Improvements. The North Shore Right-of-Way (ROW) Infrastructure Improvements Project is a \$7.94 million infrastructure project. The project consists of providing streetscape improvements within an allocated budget, following a priority list submitted by area residents to include: comprehensive landscaping and irrigation, traffic calming, sidewalks, street lighting, street resurfacing, swale enhancement, parking layout, and spot drainage improvements. The North Shore neighborhood is bounded by 87th Terrace on the north, the Atlantic Ocean on the east, 63rd Street on the south and Indian Creek and Tatum Waterway on the west. The neighborhood is highly urbanized and densely populated with multifamily apartments and condominiums. The commercial district is located along Collins Avenue and 71st Street. These commercial streets were recently reconstructed; therefore, they are not expected to be included in the scope of this project.

After three well attended Community Design Workshops (CDW's), on July 30, 2003, the City Commission, under Resolution No. 2003-25285, approved the Basis of Design Report (BODR) and Addendum No. 1 for the North Shore Neighborhood. The BODR was prepared by The Corradino Group (TCG). The City negotiated extensively with TCG for the remaining design, bid and award, and construction administration services, but was unable to achieve agreement on a reasonable fee. Because of the failure in reaching agreement after several attempts and the amount of time spent in negotiations, the City decided to abandon the effort with TCG and prepare to issue a new Request for Qualifications (RFQ) for the remaining services on the project.

On September 8, 2004, the City Commission authorized the issuance of RFQ No. 41-03/04, which was issued on September 28, 2004, with an opening date of November 19, 2004. Ten responses were received, and an Evaluation Committee selected Calvin Giordano & Associates, Inc. (CGA) on February 7, 2005.

The total fee is approximately 12% of the estimated proposed construction budget, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently. The Administration recommends award of the agreement and appropriation of the required funds.

**Advisory Board Recommendation:**

At their July 11, 2005 meeting, the GO Bond Oversight Committee recommended that the Mayor and City Commission award the Agreement.

**Financial Information:**

Source of Funds:		Amount	Account	Approved
	1	\$616,343.00	1999 General Obligation Bonds	
	2	\$634,080.00	2000 Water and Sewer Bonds	
	3			
	4			
	<b>Total</b>	<b>\$1,250,423.00</b>		

Finance Dept.

**City Clerk's Office Legislative Tracking:**

M. Alexandra Rolandelli, Senior Capital Projects Coordinator

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager

N-NSH ROW 02-07272005

T:\AGENDA\2005\Jul2705\Regular\North Shore Calvin Giordano Summary.doc

AGENDA ITEM

R7H

DATE

7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED PROFESSIONAL SERVICES AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC., IN THE AMOUNT OF \$1,250,423.00, TO PROVIDE ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE SERVICES FOR DESIGN, BID AND AWARD, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH SHORE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT; AND APPROPRIATING SAID AMOUNT FROM THE FOLLOWING AVAILABLE FUNDING SOURCES: \$616,343.00 FROM THE 1999 GENERAL OBLIGATION BOND AND \$634,080.00 FROM THE 2000 WATER AND SEWER BOND.**

### **PROJECT FUNDING**

Project funding in the amount of \$1,250,423.00 is available from the following sources: \$616,343.00 from the 1999 General Obligation Bond and \$634,080.00 from the 2000 Water and Sewer Bond.

### **ADMINISTRATIVE RECOMMENDATION**

Adopt the Resolution.

### **ANALYSIS**

On November 2, 1999, the City of Miami Beach voters approved the issuance of an approximately \$92 Million General Obligation (GO) Bond for Neighborhood, Park, Beach and Fire Safety Improvements. The North Shore Right-of-Way (ROW) Infrastructure Improvements Project is a \$7.94 million infrastructure project. The project consists of providing streetscape improvements within an allocated budget, following a priority list submitted by area residents to include: comprehensive landscaping and irrigation, traffic calming, sidewalks, street lighting, street resurfacing, swale enhancement, parking layout, and spot drainage improvements. The North Shore neighborhood is bounded by 87th Terrace on the north, the Atlantic Ocean on the east, 63rd Street on the south and Indian Creek and Tatum Waterway on the west. The neighborhood is highly urbanized and densely populated with multifamily apartments and condominiums. The commercial district

is located along Collins Avenue and 71st Street. These commercial streets were recently reconstructed; therefore, they are not expected to be included in the scope of this project. After three well attended Community Design Workshops (CDW's), on July 30, 2003, the City Commission, under Resolution No. 2003-25285, approved the Basis of Design Report (BODR) and Addendum No. 1 for the North Shore Neighborhood. The BODR was prepared by The Corradino Group (TCG). The City negotiated extensively with TCG for the remaining design, bid and award, and construction administration services, but was unable to achieve agreement on a reasonable fee. Because of the failure in reaching agreement after several attempts and the amount of time spent in negotiations, the City decided to abandon the effort with TCG and prepare to issue a new Request for Qualifications (RFQ) for the remaining services on the project.

On September 8, 2004, the City Commission authorized the issuance of an RFQ for engineering, urban design, and landscape architecture services needed for the design, bid and award, and construction administration of the North Shore Right-of-Way Streetscape Improvement Project.

RFQ No. 41-03/04 was issued on September 28, 2004 with an opening date of November 19, 2004. A pre-proposal conference to provide information to firms considering submitting a response was held on October 21, 2004. Ten responses were received, and an Evaluation Committee was appointed, via Letter to Commission (LTC) No. 306-2004, met on February 7, 2005. After the firms' presentations, the Committee members conducted question and answer session, and deliberation.

The firm of Calvin Giordano & Associates, Inc. (CGA) was deemed to be the first ranked firm based on their experience and qualifications as well as their team. CGA possess a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida.

### **CALVIN GIORDANO & ASSOCIATES, INC. QUALIFICATIONS**

CGA possesses a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida. CGA is a full service civil engineering firm providing engineering, planning, surveying, and landscape architecture service. CGA has been located in South Florida for over sixty-seven (67) years. Founded in 1937, the company started as a small two-person surveying firm and by the mid 1970's, services expanded to include civil engineering. Today with 128 employees, CGA provides an even broader range of services, including current and comprehensive planning, permitting, land development and design, community character inventory analysis, infill development and design, engineering, surveying, landscape architecture, Geographic Information Systems (GIS), transportation engineering, environmental services, data technology, and construction administration and management.

CGA has focused on municipal engineering and landscape architectural services for public sector clients as well as site designs and permitting for private sector clients.

CGA's team is comprised of two highly specialized, locally recognized firms: 1) EDM

Engineering Solutions; and 2) Tierra, Inc. These firms have been selected to provide their expertise on specific items that have been identified by the City of Miami Beach and/or existing site conditions. EDM Engineering Solutions will provide utility coordination and Tierra, Inc. will provide Geotechnical Engineering Services. On February 23, 2005, the City Commission approved Resolution No. 2005-25811, authorizing the Administration to enter into negotiations with CGA, the top-ranked firm by the selection committee.

Two negotiation sessions were held and agreement was reached on a required scope of services (Attachment A) to be provided for a fee of \$1,250,423.00 (Attachment B). Project funding is available as follows: \$616,343.00 is available from the 1999 General Obligation Bond and \$634,080.00 is available from the 2000 Water and Sewer Bond. The fee includes direct costs in the amount of \$950,491.00, plus an allowance for reimbursables in the amount of \$299,932.00.

Construction Administration services, in the amount of \$271,841.00 for a twenty-four (24) month construction period are included in the fee, not including extensions for weather-related, Force Majeure delays. CGA has agreed to include two months of additional Construction Administration services at no additional cost to the City if the Project exceeds the Construction Administration timeframe above, as may be amended for the weather-related or Force Majeure delays. At the end of the additional two months, if they are required, CGA will provide additional services at a cost of eighty percent (80%) of the monthly cost of Construction Administration services established in the negotiated fee. If this is the case Additional Services will have to be negotiated at that time.

The total fee, excluding reimbursables, is approximately 12% of the estimated Project construction budget, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently.

The General Obligation Bond Oversight Committee, in its meeting on July 11, 2005, reviewed this item and recommended approval. The Administration recommends award of the agreement and appropriation of the required funds.

## **CONCLUSION:**

The Administration recommends that the Mayor and City Commission adopt the resolution, and approve and authorize the Mayor and City Clerk to execute a Professional Services Agreement with Calvin Giordano & Associates, Inc., in the amount of \$1,250,423.00, to provide engineering, urban design, and landscape architecture services for design, bid and award, and construction administration services for the North Shore Right-of-Way Infrastructure Improvement Project; and appropriate said amount from the following available funding sources: \$616,343.00 from the 1999 General Obligation Bond and \$634,080.00 from the 2000 Water and Sewer Bond.

JMG:RCM:TH:JECh:KLM:AR

Attachments

T:\AGENDA\2005\Jul2705\Regular\North Shore Calvin Giordano Memo.doc

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE THE ATTACHED PROFESSIONAL SERVICES AGREEMENT WITH CALVIN, GIORDANO & ASSOCIATES, INC., IN THE AMOUNT OF \$1,250,423.00, TO PROVIDE ENGINEERING, URBAN DESIGN, AND LANDSCAPE ARCHITECTURE SERVICES FOR DESIGN, BID AND AWARD, AND CONSTRUCTION ADMINISTRATION SERVICES FOR THE NORTH SHORE RIGHT-OF-WAY INFRASTRUCTURE IMPROVEMENT PROJECT; AND APPROPRIATING SAID AMOUNT FROM THE FOLLOWING AVAILABLE FUNDING SOURCES: \$616,343.00 FROM THE 1999 GENERAL OBLIGATION BOND AND \$634,080.00 FROM THE 2000 WATER AND SEWER BOND.**

**WHEREAS**, on November 2, 1999, the City of Miami Beach voters approved the issuance of an approximately \$92 Million General Obligation (GO) Bond for Neighborhood, Park, Beach and Fire Safety Improvements; and

**WHEREAS**, the North Shore Right-of-Way (ROW) Infrastructure Improvements Project is a \$7.755 million infrastructure project; and

**WHEREAS**, the project consists of providing streetscape improvements within an allocated budget, following a priority list submitted by area residents to include: comprehensive landscaping and irrigation, traffic calming, sidewalks, street lighting, street resurfacing, swale enhancement, parking layout, and spot drainage improvements; and

**WHEREAS**, the North Shore neighborhood is bounded by 87th Terrace on the north, the Atlantic Ocean on the east, 63rd Street on the south and Indian Creek and Tatum Waterway on the west; and

**WHEREAS**, the neighborhood is highly urbanized and densely populated with multifamily apartments and condominiums; and

**WHEREAS**, the commercial district is located along Collins Avenue and 71st Street; and

**WHEREAS**, these commercial streets were recently reconstructed; therefore, they are not expected to be included in the scope of this Project; and

**WHEREAS**, after three well attended Community Design Workshops (CDW's), on July 30, 2003, the City Commission, under Resolution No. 2003-25285, approved the Basis of Design Report (BODR) and Addendum No. 1 for the North Shore Neighborhood; and

**WHEREAS**, the BODR was prepared by The Corradino Group (TCG); and

**WHEREAS**, the City negotiated extensively with TCG for the remaining design, bid and award, and construction administration services, but was unable to achieve agreement on a reasonable fee; and

**WHEREAS**, because of the failure in reaching agreement after several attempts and the amount of time spent in negotiations, the City decided to abandon the effort with TCG and prepare to issue a new Request for Qualifications (RFQ) for the remaining services on the Project; and

**WHEREAS**, on September 8, 2004, the City Commission authorized the issuance of an RFQ for engineering, urban design, and landscape architecture services needed for the design, bid and award, and construction administration of the North Shore Right-of-Way Streetscape Improvement Project; and

**WHEREAS**, RFQ No. 41-03/04 was issued on September 28, 2004 with an opening date of November 19, 2004; and

**WHEREAS**, a pre-proposal conference to provide information to firms considering submitting a response was held on October 21, 2004; and

**WHEREAS**, ten responses were received, and an Evaluation Committee was appointed, via Letter to Commission (LTC) No. 306-2004, met on February 7, 2005; and

**WHEREAS**, after the firms' presentations, the Committee members conducted question and answer session, and deliberation; and

**WHEREAS**, the firm of Calvin Giordano & Associates, Inc. (CGA) was deemed to be the first ranked firm based on their experience and qualifications as well as their team; and

**WHEREAS**, CGA possess a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida; and

**WHEREAS**, CGA possesses a vast experience in the planning, design, permitting and construction administration of infrastructure redevelopment projects in South Florida. CGA is a full service civil engineering firm providing engineering, planning, surveying, and landscape architecture service; and

**WHEREAS**, CGA has been located in South Florida for over 67 years; and

**WHEREAS**, founded in 1937, the company started as a small two-person surveying firm and by the mid1970's, services expanded to include civil engineering; and

**WHEREAS**, today with 128 employees, CGA provides an even broader range of services, including current and comprehensive planning, permitting, land development and

design, community character inventory analysis, infill development and design, engineering, surveying, landscape architecture, Geographic Information Systems (GIS), transportation engineering, environmental services, data technology, and construction administration and management; and

**WHEREAS**, CGA has focused on municipal engineering and landscape architectural services for public sector clients as well as site designs and permitting for private sector clients; and

**WHEREAS**, CGA's team is comprised of two highly specialized, locally recognized firms: 1) EDM Engineering Solutions; and 2) Tierra, Inc.; and

**WHEREAS**, these firms have been selected to provide their expertise on specific items that have been identified by the City of Miami Beach and/or existing site conditions; and

**WHEREAS**, EDM Engineering Solutions will provide utility coordination and Tierra, Inc. will provide Geotechnical Engineering Services; and

**WHEREAS**, on February 23, 2005, the City Commission approved Resolution No. 2005-25811, authorizing the Administration to enter into negotiations with CGA, the top-ranked firm by the selection committee; and

**WHEREAS**, two negotiation sessions were held and agreement was reached on a required scope of services for the Project to be provided for a fee of \$1,250,423.00; and

**WHEREAS**, Project funding is available as follows: \$616,343.00 is available from the 1999 General Obligation Bond and \$634,080.00 is available from the 2000 Water and Sewer Bond. The fee includes direct costs in the amount of \$950,491.00, plus an allowance for reimbursables in the amount of \$299,932.00; and

**WHEREAS**, the construction administration services, in the amount of \$271,841.00, for a twenty-four (24) month construction period are included in the fee, not including extensions for weather-related or Force Majeure delays; and

**WHEREAS**, CGA has agreed to include two months of additional construction administration services at no additional cost to the City if the Project exceeds the Construction Administration timeframe above, as may be amended for the weather-related or Force Majeure delays; and

**WHEREAS**, at the end of the additional two months, if it is required, CGA will provide additional services at a cost of eighty percent (80%) of the monthly cost of Construction Administration services established in the negotiated fee; and

**WHEREAS**, if this is the case, Additional Services will have to be negotiated at that time; and



**WHEREAS**, the total fee is approximately 12% of the estimated Project construction budget, which is within the general range of A/E cost percentages for streetscape projects that the City has been approving recently; and

**WHEREAS**, the General Obligation Bond Oversight Committee, in its meeting on July 11, 2005, reviewed this item and recommended approval; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve the attached Agreement and appropriate the required funds.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approve and authorize the Mayor and City Clerk to execute the attached Professional Services Agreement with Calvin Giordano & Associates, Inc., in the amount of \$1,250,423.00, to provide engineering, urban design, and landscape architecture services for design, bid and award, and construction administration services for the North Shore Right-of-Way Infrastructure Improvement Project; and appropriate said amount from the following available funding sources: \$616,343.00 from the 1999 General Obligation Bond and \$634,080.00 from the 2000 Water and Sewer Bond.

**PASSED and ADOPTED** this 27<sup>th</sup> day of July, 2005.

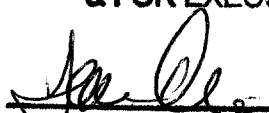
ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

T:\AGENDA\2005\Jul2705\Regular\North Shore Calvin Giordano Reso.doc

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

7-14-05  
\_\_\_\_\_  
Date

**SCHEDULE A**  
**NORTH SHORE AND PARK VIEW ISLAND NEIGHBORHOOD RIGHT OF WAY**  
**IMPROVEMENT PROJECT**  
**CITY OF MIAMI BEACH, FLORIDA**  
**SCOPE OF A/E CONSULTANT SERVICES**

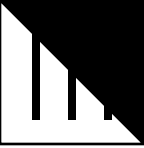
**CONSULTANT: CALVIN, GIORDANO & ASSOCIATES, INC.**

**BACKGROUND**

The City of Miami Beach (CITY) has developed its multi-million dollar, multi-year "Planned Progress" Capital Improvement Program to rebuild the City's existing roads, infrastructure, utilities, parks and facilities, and to build new capital projects where they are needed. The Program will dramatically improve the quality of life of the City's residents and complement the enormous amount of private reinvestment that has taken place in the City.

As part of the "Planned Progress" Program, comprehensive right of way improvement projects are being undertaken in each of 13 City neighborhoods including the North Shore and Park View Island neighborhood. The North Shore and Park View Island neighborhood is bounded on the east by the North Shore Open Space Park, to the south by 65<sup>th</sup> Street, to the west by the Tatum Waterway, and to the north by 87<sup>th</sup> Street.

The North Shore and Park View Island Neighborhood ROW Improvement Project will encompass comprehensive streetscape and water supply improvements as previously identified by another Consultant and documented in the City Commission approved North Shore Basis of Design Report dated July 30, 2003. The estimated construction budget for the project is \$7,940,000, which includes a construction change order contingency budget of \$410,000. This estimated construction total includes \$3,610,000 for Streetscape / Section 108 improvements, and \$3,920,000 for Water Improvements that, as a minimum, shall fund the following:



## **STREETSCAPE AND SECTION 108 IMPROVEMENTS \$3,610,000 (construction)**

- **72<sup>nd</sup> Street** - Bumpouts, planters, lights, crosswalks, additional sidewalk by park. Median w/parking & milling and resurfacing( w/no parking b/w Harding and Collins)
- **73<sup>rd</sup> Street** - New median, enhanced median, bumpouts, planters, lighting, mill & resurface
- **Parkview Island** – Planters, bumpouts, lighting, stripe parking, mill and resurface, sidewalk
- **Dickens Avenue from 72<sup>nd</sup> to 79<sup>th</sup> Streets** - Bumpouts, crosswalks, sidewalk repair, stripe parking, milling and resurfacing
- **85<sup>th</sup> Street** – Bumpouts, crosswalks, sidewalk repair, stripe parking, milling and resurfacing
- **Byron Avenue 80' ROW** - Bumpouts, crosswalks, sidewalk repair, median, milling and resurfacing, stripe
- **Tatum Waterway Drive** - Traffic Study, Bumpouts, crosswalks, sidewalk repair, milling and resurfacing
- **Harding Entrance** – 5-ft planting strip both sides of street, palm trees, uplighting
- **Neighborhood wide improvements** - Repair 20% of all sidewalks
- **Bonita Drive** - additional sidewalk
- **Paving costs covered by GO Bond (1/2 milling & resurfacing)** Bonita Drive, Collins Ct., 74<sup>th</sup>, 75<sup>th</sup>, 80<sup>th</sup>, 81<sup>st</sup>, Carlyle, Abbott, Tatum, Gary, Wayne, Byron, Carlyle, Dickens, Tatum, Byron, 77, 78, 79, 85
- **Additional Bumpouts, 74<sup>th</sup>, 75<sup>th</sup>, Carlyle (between 73<sup>rd</sup> & 75<sup>th</sup>)**

## **WATER IMPROVEMENTS \$3,920,000 (construction)**

- Replacement of Discretionary Waterlines with 8-inch diameter pipes Per attached Exhibit A

The CITY has contracted the services of Hazen and Sawyer, P.C. to function as PROGRAM MANAGER (PROGRAM MANAGER), and act as the CITY's agent with regard to all aspects of this scope of services. Hence, the PROGRAM MANAGER will serve as the focal point of contact with the Architectural / Engineering firm (CONSULTANT). However, the CITY will retain contractual agreement responsibilities with the CONSULTANT firm.

Due to the large number of projects that will be ongoing concurrently during the Program, the CITY and PROGRAM MANAGER have developed a Program Work Plan (PWP) detailing procedures and policies for the overall ROW Program. This PWP dictates the respective responsibilities and levels of authority for all program team members. Organizational structure flowcharts and team member duties are included to establish a working understanding regarding reporting and communication relationships on the Program. The PWP includes a listing of design and construction phase deliverables from the various A/Es and Contractors, along with proposed CITY and PROGRAM MANAGER duties during the planning, design, bid, award and construction phases of the Program. One copy of the PWP will be given to the CONSULTANT, who agrees to comply with procedures set forth therein.



## **SCOPE OF SERVICES**

The purpose of the North Shore and Park View Island ROW Infrastructure Project is to provide for the restoration and enhancement of streetscapes and infrastructure, consistent with existing available master plans, qualified decisions of applicable CITY Departments, and community preferences. The proposed project shall include potable water infrastructure and restoration and enhancement of the neighborhood's hardscape, landscape, streetscape, irrigation, and lighting. Drainage and sanitary sewer upgrades are not anticipated as part of the Project.

The work effort shall require that all existing and proposed aboveground improvements be coordinated with existing and proposed below underground infrastructure improvements, which may include the following tasks:

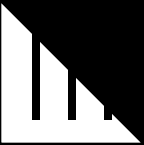
- Repair or replacement of water mains.
- Coordination with other entities, including but not limited to, Florida Power and Light Company, BellSouth, Atlantic Broadband, and others as may exist within the public right of way
- Coordination with Public and Private Developments that are, or will be implementing improvements adjacent to the City Right of Way.

## **TASK 1 – PLANNING SERVICES**

The CITY has completed Task 1 – Planning Services.

A final Basis of Design Report has been prepared summarizing the accepted design concept, budget level cost estimate, schedule and other issues deemed important to the implementation of the project. The final Basis of Design Report was presented to the City Commission and approved on July 30, 2003. Design Services will be based on this document.

THE CONSULTANT shall review the Basis of Design Report with particular attention to the cost estimates. The CONSULTANT shall develop a cost estimate for the improvements outlined therein. The CONSULTANT shall further assume responsibility for cost control and potential redesign based upon this cost estimate.

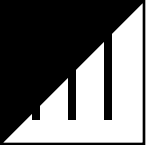


## **TASK 2 –DESIGN SERVICES**

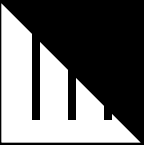
The purpose of this Task is to establish requirements for the preparation of contract documents for the Project. Note that Task 2.1 requires that the CONSULTANT perform a variety of forensic tasks to verify, to the extent practicable, existing conditions and the accuracy of base maps to be used for development of the contract drawings. Task 2.2 discusses requirements for the preparation of contract documents, inclusive of drawings, specifications and front-end documents. Task 2.3 establishes requirements with regard to constructability and value engineering reviews to be performed by others. Task 2.4 establishes requirements for the preparation of opinions of total probable cost by the CONSULTANT. Task 2.5 specifies requirements for review of contract documents with jurisdictional permitting agencies prior to finalization. Task 2.6 establishes requirements for developing final (100%) contract documents. To facilitate the implementation of a Public Information Program, the CONSULTANT shall provide electronic files of all project documents, as requested by the CITY and/or PROGRAM MANAGER for posting on the program website. The CONSULTANT shall provide the electronic files for the front-end documents, technical specifications, and construction drawings in MS-Word, AutoCAD and Adobe Acrobat file format.

Due to the large number of projects that will be ongoing coincidentally during the Program, the CITY and PROGRAM MANAGER have developed a Design Standards Manual (DSM) detailing procedures, standards, and policies regarding design of all Program projects. One copy of the DSM will be given to the CONSULTANT, who agrees to comply with all procedures set forth therein. The CONSULTANT retains all responsibilities for providing and ensuring compliance of all applicable information / requirements in the DSM to all of its sub-consultants and agents.

**Task 2.1 - Field Verification of Existing Conditions:** The CONSULTANT shall perform a topographic survey of the existing right of way areas to be impacted by construction activities under the scope of this project. The topographic survey shall meet the minimum requirements noted in the attachment to this scope of services entitled “Minimum Design Features to be Shown on Drawings”. In addition, note that the topographic survey shall include sufficient detail to allow for the smooth transition from public right of way to adjacent public / private property in the areas where existing improvements will be refurbished and will require transition to adjacent improvements. The survey shall be performed by a Professional Land Surveyor in the State of Florida and shall meet the minimum technical standards identified in Chapter 61G17-6, FAC. All survey files shall be prepared in AutoCAD Version 2000 format with a layering system as directed by the CITY in the DSM. As a minimum, the survey shall address the following:



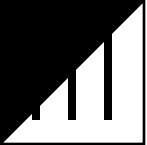
- Topographic survey shall consist of establishing a baseline with 100-foot stations, and identify right-of-way monuments and sectionalized land corners. Baseline of survey shall be tied into the right-of-way and sectionalized land monuments. Right-of-way information shall be obtained from available records by the CONSULTANT.
- The CONSULTANT shall set benchmarks at convenient locations along the corridor to be used during both the design and construction phases of the project. As a minimum, permanent benchmarks shall be set at 1,000-foot intervals along the alignment. In addition, the CONSULTANT shall tie-in at least two existing government County monuments to vertical circuit and shall take cross sections at 100-foot intervals along all project corridors. The benchmarks shall be derived from existing government benchmarks and be carried into the proposed system using Second Order, Class II procedures. A full listing of benchmark locations shall accompany the survey data.
- Cross section elevations shall define all grade breaks such as intersections, swale, edge of pavement, pavement centerline, curb and gutter, edges of sidewalk, driveway connections, right-of-way line, edge of a 25-foot right-of-way offset, encroachments (both natural and built-in), etc.
- The CONSULTANT shall locate and identify existing surface improvements / topographic features that are visible along the corridor , including but not limited to the following:
  - Existing valve boxes, water / electrical meter boxes, electrical pull boxes, telephone / cable risers, fences, hydrants, etc.
  - Aboveground and underground utilities invert elevations of accessible underground utilities, wood / concrete utility poles, culverts, guardrails, pavement limits, headwalls, endwalls, manholes, vaults, mailboxes, driveways, side streets, trees, landscaping, traffic signage and any other noted improvements. Survey shall identify fence material / height, and driveway construction materials. Landscaping materials with a trunk diameter greater than 6 – inches in diameter shall be identified individually. Materials with smaller diameters shall be illustrated in groupings.



- Topographic survey / base map shall be prepared in AutoCAD Version 2000 and submitted on recordable Compact Disk with one signed and sealed copy on 22-inch by 34-inch bond paper. Note that all standards from the DSM shall apply to the development of the survey document. In addition, the CONSULTANT shall submit 3 copies of a preliminary Draft Survey for CITY and PROGRAM MANAGER review and comment. The CONSULTANT shall prepare a final survey submittal package based on addressing any / all comments submitted through this review process, to the satisfaction of the CITY. All CAD mapping shall be performed to a scale of 1:1 in the World Coordinate System. Text size shall be 100 Leroy for a final product at 1=20 units.
- All corridor surveys shall indicate geometry of perimeter private property plats (inclusive of fences, landscaping and driveways) within the specified 25-ft setback.

Upon completion and acceptance of the final survey, the CONSULTANT shall forward same to the following agencies with a request to mark / identify respective utilities on the survey base map. The CONSULTANT shall coordinate this effort with each agency in an effort to identify the location of all existing underground utilities. The CONSULTANT shall incorporate utility owner markups / edits into its survey base map file. The CONSULTANT shall contact the following entities and request that they each verify locations of their existing improvements in the affected areas:

- Florida Power and Light Company
- BellSouth
- Miami-Dade Water and Sewer Authority
- Charter Communications (Atlantic Broadband)
- Natural Gas provider
- City of Miami Beach Public Works Department
- Others as deemed necessary by the CONSULTANT



The CONSULTANT shall also request information regarding any future proposed improvements by each agency. To facilitate tracking of the progress made in this work effort, the CONSULTANT shall copy the PROGRAM MANAGER on all correspondence with each agency. In addition, the CONSULTANT shall keep a readily accessible and properly labeled / collated file of all correspondence and markups provided to it by the various agencies for reference use by the CITY, PROGRAM MANAGER and/or CONSULTANT, during construction.

Based on the collected data, the CONSULTANT shall develop detailed design base maps for the project. The maps shall include an overall key map and partial plans scaled at 1-inch equals 20 feet or a scale that better suits the project requirements.

It is important to note that the CONSULTANT shall illustrate proposed water and stormwater utility improvements on the base maps, with a subsequent review scheduled with CITY and PROGRAM MANAGER staff to determine locations where additional field verifications, via "Soft-Dig" underground identification services, shall be implemented.

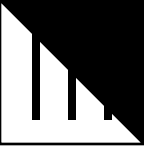
**Deliverables:** - Perform forensic work as noted to develop final survey maps. Deliver three (3) draft five (5) final signed and sealed surveys to the PROGRAM MANAGER.

**Schedule:** - Within 80 working days after Task 2 - Design Phase Notice to Proceed.

**Task 2.2 – Detailed Design:** The CONSULTANT shall prepare all contract documents in compliance with DSM standards.

Technical specifications shall be prepared in conformance with Construction Specifications Institute (CSI) formats. The PROGRAM MANAGER, through the DSM, shall furnish the CONSULTANT with standard CITY specification outlines for Divisions 1, 2, 3 and 15 as noted in the DSM. The CONSULTANT shall refrain from amending FDOT, or other reference standard specifications, for inclusion in the detail design documents. The CONSULTANT shall provide additional sections that the CONSULTANT may require, not already provided through the CITY standards, subject to review and comment by the CITY and/or PROGRAM MANAGER. Any supplier listings required by specifications shall include a minimum of two named supplier's and shall meet all applicable CITY and State of Florida procurement codes. Specifications shall be provided to the CONSULTANT in "Microsoft MS-Word" format. In addition, the CONSULTANT shall use the same software in all project related work. In addition, the CONSULTANT shall





utilize base front-end documents provided by the CITY. The CONSULTANT shall edit accordingly to result in a project specific document. Any requirements for Supplementary General Conditions shall be subject to review and acceptance by the CITY.

The CONSULTANT shall attend monthly Design Progress Meetings with CITY and PROGRAM MANAGER staff.

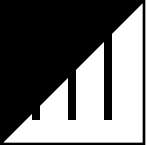
The CONSULTANT shall submit monthly invoice requests for its services, accompanied by a design progress schedule update form as provided by the PROGRAM MANAGER. Invoices shall be prepared in a format as provided by the CITY, through the PROGRAM MANAGER. As a part of this effort, the CONSULTANT shall update and submit the schedule update form.

Should the PROGRAM MANAGER determine that the CONSULTANT has fallen behind schedule; the CONSULTANT shall provide a recovery schedule that shall accelerate work to get back on schedule.

For purposes of this Scope of Services, the following will be considered the minimum effort to be provided by the CONSULTANT for establishing detail design milestone submittals. Note that CITY review procedures, and CONSULTANT responsibilities associated with such, are discussed under Task 2.3:

- The 30% design completion stage milestone shall consist of the completed survey / base map work as identified in Task 2.1 with all proposed improvements identified in approved BODR illustrated in plan view at a scale of 1-inch equals 20 feet. A key map shall also be provided on all sheets that illustrates the relationship between the drawings and their respective location within the project area. A Table of Contents identifying the anticipated technical specifications to be incorporated into the work shall also be submitted.

It is important to note that as a part of the 30% design completion stage effort, the CONSULTANT shall prepare detailed tabulation of all encroachments within the public right-of-way in the project area. The tabulation shall be presented in a format that identifies those encroachments that exist within the right-of-way and do not require removal in order to construct the project and those encroachments required to be removed in order to implement the project components. This tabulation shall include, at a minimum, description of the encroachment, location (block / lot number or physical address), a description identifying the

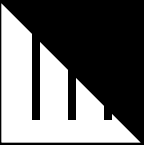


encroachment, and a justification / reason why the encroachment must be removed (to be provided only for those encroachments required to be removed to implement the project components). The PROGRAM MANAGER will provide the CONSULTANT with an "Excel" spreadsheet template for mandatory use in preparation of the listing. Please note that the CONSULTANT shall be required to submit a "Draft" listing for review and comment, and make subsequent revisions as noted by the CITY, prior to submitting a Final Encroachment listing.

- The 60% design completion stage milestone shall consist of plan and profile views of all proposed improvements, with all applicable sections and construction details. Note that the respective profile for each plan shall be included on the same sheet. In addition, a reduced scale key map shall be provided on each sheet to allow the reviewer a simple means to locate the applicable work. Prior to the preparation of the 60% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon its underground utility verification efforts and review comments received, as noted in Task 2.3 below. In addition, the CONSULTANT shall include draft technical specifications and a draft schedule of prices bid (bid form) identifying the items to be bid by the prospective contractors with the submittal. Also, this submittal shall include the CONSULTANTS "Budget" level opinion of probable cost as defined by the American Association of Cost Engineers with the submittal.

It is anticipated that the CITY will be at or near completion of reviewing the CONSULTANTS Final encroachment listing. When completed, the listing will be returned to the CONSULTANT, who will revise its documents to reflect final CITY direction on the acceptance / rejection of CONSULTANT recommendations regarding the disposition of encroachments on the project. The CONSULTANT shall demonstrate compliance with this requirement at the 90% design completion stage submittal noted below.

- The 90% design completion stage milestone shall consist of a near final construction document set including the front-end documents (general and supplemental conditions), technical specifications and construction drawings for all work proposed to be completed. The CONSULTANT shall include detailed construction sequencing restrictions for the PROGRAM MANAGER's review with



this submittal. Prior to the preparation of the 90% design completion stage drawings, the CONSULTANT shall incorporate changes to its design based upon review comments received, as noted in Task 2.3 below. In addition, the CONSULTANT shall provide its "Definitive" level opinion of probable cost as defined by the American Association of Cost Engineers with this submittal.

- The 100% design completion stage milestone shall consist of the 90% documents updated to include all constructability and design review comments as may be provided by the CITY, PROGRAM MANAGER and/or jurisdictional review agency. This set of documents will be used by the CONSULTANT to implement City of Miami Beach Building Department Permitting Reviews as noted in the PWP.

**Deliverables:** - Furnish fifteen (15) sets each of the 30, 60, 90 and 100 percent design completion stage documents to PROGRAM MANAGER, as applicable (ten full size and five half size for each submittal)

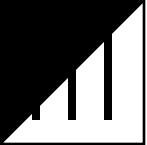
- Prepare and update project invoices and schedule tracking spreadsheets, on a monthly basis.
- Attend monthly design progress meetings with CITY and PROGRAM MANAGER staff.

**Schedule:** - Complete 30 percent document submittal within 80 working days after the Task 2 – Design Phase Notice to Proceed.

- Complete 60 percent document submittal within 160 working days after Task 2 - Design Phase Notice to Proceed.

-Complete 90 percent document submittal within 240 working days after Task 2 - Design Phase Notice to Proceed.

-Complete 100 percent document submittal within 300 working days after Task 2 - Design Phase Notice to Proceed.



**Task 2.3 – Design / Constructability Review:** To verify that the CONSULTANT is in compliance with required BODR, DSM and PWP requirements, the CITY will conduct a series of design submittal reviews on all design project documents, inclusive of cost estimates at the 30, 60 and 90% design completion stage submittals. Note that the 100% design completion stage submittal will be used by the CONSULTANT to permit the project through all internal CITY reviews as noted in the PWP.

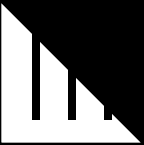
The purpose of these reviews shall be to verify that the documents are consistent with the design intent. These documents shall be furnished as bound 8-1/2-inch by 11-inch technical specifications and full-size (22-inch by 34-inch) and half size (11-inch by 17-inch) drawings as noted in the Task 2.2 deliverables. The PROGRAM MANAGER and applicable CITY Departments shall perform reviews on these documents and provide written comments (in “Excel” spreadsheet format) back to the CONSULTANT.

Following receipt of comments by the CONSULTANT, a meeting may be scheduled between the CITY, the CONSULTANT and PROGRAM MANAGER, to discuss the intent and review of the comments. Subsequently, the CONSULTANT shall address how each comment was resolved, to the PROGRAM MANAGER, within 10 working days after the review session and/or receipt of the comments. The responses shall be in the spreadsheet format provided to the CONSULTANT. In addition, the CONSULTANT shall revise its documents to address all review comments accordingly, to the satisfaction of the CITY.

In addition, the PROGRAM MANAGER will perform constructability reviews of the design documents relative to value, construction sequencing and bid format. These reviews shall be based upon 60 and 90 percent design submittals received from the CONSULTANT and shall be conducted concurrently but separately from the 30, 60 and 90 percent design reviews noted above. These constructability review meetings shall be held with the CONSULTANT and the CITY representatives to discuss the CONSULTANT’s proposed construction sequencing restrictions, and bid formats, and shall be performed by the PROGRAM MANAGER.

The CONSULTANT shall note that the CITY’s / PROGRAM MANAGER’s review of the contract documents does not relieve the CONSULTANT from its responsibility to the CITY with regard to the quality and completeness of its contract documents.

**Deliverables:** - Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss design



constructability and value comments.

- Prepare written responses to comments made during reviews.

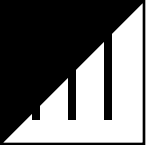
**Schedule:**

- Complete concurrently with 300 working day Design Phase schedule.

**Task 2.4 – Cost Opinions:** The CONSULTANT shall prepare opinions of probable construction costs for the 60 and 90% design completion stage submittals, as well as the final (100 percent) completion stage submittal. The accuracy of the cost estimate associated with the 60 percent completion stage shall be +30% to –15% “Budget” Level as defined by the American Association of Cost Engineers. The accuracy of the cost estimate associated with the 90 and 100 percent completion stage submittals shall be a +15% to –5% “Definitive” Level Estimates as defined by the American Association of Cost Engineers. All estimates shall be submitted in Microsoft “Excel” format in accordance with the template supplied by PROGRAM MANAGER. All estimates shall be furnished bound in 8-1/2-inch by 11-inch size. Based upon the CONSULTANT’s cost estimate, the CITY will advise the CONSULTANT if portions of the project need to be deleted, phased and/or bid as alternate bid items to satisfy existing fiscal constraints. In this effort, the CONSULTANT may be required to attend a series of meetings and develop alternative cost savings options for CITY consideration, if the estimates show that the projected project cost will exceed the target budget. The CONSULTANT shall revise the contract documents to reflect necessary revisions to meet budget parameters at no additional cost accordingly.

**Deliverables:**

- Furnish fifteen (15) sets of 60, 90 and 100 percent completion stage cost estimates to PROGRAM MANAGER concurrently with the design submittals noted in Task 2.2.
- Attend meetings with the CITY and PROGRAM MANAGER staff to review and discuss cost estimates. This Task includes development of any required cost savings alternatives, and implementation / revision of documents to



address such items, as necessary to meet established budget parameters.

**Schedule:** - Complete concurrently with 300 working day Design Phase schedule.

**Task 2.5 – Community Design Review Meetings:** The CONSULTANT shall attend and participate in Community Design Review Meetings (CDRMs) to review the design progress and concept at different progress levels during the design. The CITY will schedule, find locations for, and notify residents of all such meetings. The CONSULTANT shall prepare draft meeting minutes and forward them to PROGRAM MANAGER, who shall review, provide comments and distribute, accordingly. The CONSULTANT shall prepare for, attend and present its documents at up to two (2) CDRMs. Meetings shall be scheduled at the 60% and 90% design completion stages, respectively. Note that presentation format shall consist of a brief Power Point presentation to review Project status, plus review of actual full size plans for each project. The CONSULTANT shall provide sufficient staff at the meeting to address concerns by residents at multiple plan stations. It is anticipated that the CONSULTANT will attend one Pre-CDRM meeting with CITY and PROGRAM MANAGER staff to review the proposed format of the presentation for each planned CDRM.

**Task 2.6 - Document Revisions:** Based upon the input provided by the residents at the CDRM, the CONSULTANT shall incorporate necessary contract document revisions, as approved by the CITY.

**Task 2.7 – Permitting Reviews:** The CONSULTANT shall prepare applications and such documents and design data as may be required to procure approvals from all such governmental authorities that have jurisdiction over the Project(s). The CITY will pay all permit fees. The CONSULTANT shall participate in meetings, submissions, resubmissions and negotiations with such authorities. The CONSULTANT shall respond to comments by such authorities within ten working days of receipt of comments unless a different time is agreed to by PROGRAM MANAGER. It is the intent of this scope of services that the CONSULTANT be the responsible party for formally transmitting and receiving permits to and from the respective jurisdictional authorities. However, since the PROGRAM MANAGER is to track and monitor progress on the preparation and review of permits and subsequent requests for information, the CONSULTANT shall copy the PROGRAM MANAGER on all permit related correspondence.

This includes CONSULTANT generated minutes from meetings held with related parties. The PROGRAM MANAGER will forward copies of such documents to the CITY as appropriate. It is recognized by CITY that the time period required for obtaining permits is beyond the control of the CONSULTANT, except with regard to issues concerning the permissibility of the proposed design and the CONSULTANT's ability to respond to permitting agency requests for information in a timely manner. At the time of scope preparation, the following governmental authorities that have or may have jurisdiction over Project have been identified:

- United States Environmental Protection Agency
- U.S. Army Corps of Engineers
- Florida Department of Transportation
- Florida Department of Environmental Protection
- South Florida Water Management District
- Miami-Dade Water and Sewer Authority
- Miami-Dade Department of Public Works
- Miami-Dade Department of Health and Rehabilitative Services
- Miami-Dade Department of Environmental Resource Management
- The City of Miami Beach Building Department
- The City of Miami Beach Planning Department
- The City of Miami Beach Public Works Department

Note that the CITY's failure to identify governmental authorities that have jurisdiction over Project at this time does not relieve the CONSULTANT from the responsibility to procure all requisite permits. However, an equitable adjustment to the CONSULTANT's compensation may be negotiated if deemed appropriate by the CITY.

**Deliverables:** - Correspond with noted jurisdictional authorities to establish permitting requirements.

- Revise documents and respond to permitting inquiries as required.
- Attend meetings with the CITY, PROGRAM MANAGER and/or permitting agency staff as required to review, discuss and finalize permit procurement

**Schedule:**

- Complete concurrently with 300 working day Design Phase schedule.

**Task 2.8 – The CONSULTANT’s QA/QC of Design Documents:** The CONSULTANT shall establish and maintain an in-house Quality Assurance / Quality Control (QA/QC) program designed to verify and ensure the quality, clarity, completeness, constructability and bid ability of its contract documents. To this end, the CONSULTANT shall provide the CITY and PROGRAM MANAGER with a written narrative detailing its QA/QC program tasks and how it is to be implemented over the course of this project. The CITY and/or PROGRAM MANAGER, at its discretion may require that the CONSULTANT attend meetings to review the status and present results of its QA/QC efforts. Items to be addressed may include, but shall not be limited to, review of specifications by respective technical experts and a “Redi-check” type review of the documents to identify conflicts and inconsistencies between the various project disciplines.

### **TASK 3 –BIDDING AND AWARD SERVICES**

Please note that the Tasks below address the level of service required for a traditional Advertise / Bid / Award process. As an alternative to this traditional bidding process outlined herein, the City may consider implementing the project via the Job Order Contract (JOC) system. If such decision is made, it is understood that the Consultant's hours assigned to traditional bidding tasks would be re-distributed, on a not to exceed basis, to complete tasks related to procurement of the job through the JOC system, including, but not limited to the following:

- Participation at the Joint Scope Meeting
- Assistance in filling out JOC standard forms, including Brief Request for Proposal and Notice to Proceed (Suggested Language Only. City to input forms into system)
- Review of JOC unit cost proposal



- Participation in negotiation meetings with JOC Contractor

Note that all other duties of the CONSULTANT are not affected by the use of the JOC system.

**Task 3.1 - Construction Contract Document Review:** The CONSULTANT shall assist the CITY in the bidding and award of each construction contract. The PROGRAM MANAGER, through the CITY, shall transmit contract documents prepared by the CONSULTANT to the CITY's Risk Management, Legal and Procurement Departments for verification of appropriate insurance, form and bonding requirements. The CONSULTANT shall assist PROGRAM MANAGER in this effort by providing three copies of each Construction Contract Document and participating in meetings, submissions, resubmissions and discussions with these departments, as necessary. The CONSULTANT shall address and re-submit corrections to any CITY comments within ten calendar days of receipt of comments unless a different time schedule is agreed to by the PROGRAM MANAGER. The CONSULTANT's compensation has been based upon one meeting with these departments.

**Task 3.2 - Bid Document Delivery:** The CONSULTANT shall provide the PROGRAM MANAGER with reproducible, camera ready sets of contract documents. These documents shall include responses to all comments obtained during permit reviews and shall incorporate all corrections required by the permitting agencies. The CITY Procurement Department shall reproduce documents and handle the advertising, distribution, sale, maintenance of plan holder lists and other aspects of bid document delivery to prospective Bidders.

**Task 3.3 - Pre-Bid Conference and Bid Opening:** The PROGRAM MANAGER will conduct one pre-bid conference. The CONSULTANT shall attend each pre-bid conference and each bid opening.

**Task 3.4 - Addenda Issuance:** The CONSULTANT shall provide, through the PROGRAM MANAGER, timely responses to all inquiries received by the CITY from prospective bidders. These responses shall be prepared as written addenda, with the format for such addenda as provided to the CONSULTANT by PROGRAM MANAGER. These queries and responses shall be documented and a record of each shall be transmitted to the PROGRAM MANAGER on a same day basis. The CONSULTANT shall prepare necessary addenda as requested by PROGRAM MANAGER. The CITY will distribute addenda to all plan holders of record accordingly.

**Task 3.5 - Bid Evaluation:** Within five calendar days of receipt of bids, the CITY will forward Bids to the CONSULTANT, who in turn shall evaluate bids for completeness, full responsiveness and price, including alternative prices and unit prices, and shall make a formal written recommendation to the CITY regarding the award of the contract. Non-technical bid requirements shall be evaluated by others.

This scope of services includes no allowance for the CONSULTANT's time to assist the CITY in the event of a bid protest. To the proportionate extent the CONSULTANT's services are required in the event of a bid protest, due to a direct action or lack thereof by the CONSULTANT, the CONSULTANT shall participate in such activities at no additional cost to the CITY.

**Task 3.6 - Contract Award:** The CONSULTANT shall provide eight (8) sets of Construction Contract Documents, inclusive of Addenda, for execution by the CITY and the successful bidder within five calendar days of request by the CITY.

**Task 3.7 – As- Bid Contract Documents:** After contract award and prior to the preconstruction conference, the CONSULTANT shall prepare As-Bid construction contract documents, which incorporate the following items into the construction contract documents:

- Contractor's bid submittals, including but not limited to, bid proposal, insurance, licenses, etc.
- Amend / modify front-end documents and / or technical specifications to incorporate changes made via contract addenda.
- Revise construction contract drawings to include modifications / revisions incorporated via contract addenda as well as the previously incorporated permit review comments.

The CONSULTANT shall prepare As-Bid construction contract documents and reproduce fifteen (15) sets for distribution to PROGRAM MANAGER within ten (10) calendar days after City Commission approval / contract execution.

**The following apply to Task 3.1 through 3.7:**

**Deliverables-** - Attend and participate in Pre-bid conferences and bid openings.

- Respond to questions from prospective bidders and prepare Addenda for distribution by others.

- Prepare recommendation of award letter

Provide eight (8) sets of contract documents for contract execution

- Prepare As-Bid contract documents and reproduce fifteen (15) sets and forward to PROGRAM MANAGER.

**Schedule:** - Upon receipt of Task 3 Bidding and Award Services Notice to Proceed and within 120 working days

## **TASK 4 –CONSTRUCTION ADMINISTRATION SERVICES**

The CONSULTANT shall perform the following tasks related to the construction administration of the Project(s). These tasks shall be performed during the duration of all construction. Due to the extensive amount of detailed procedures required to properly manage construction projects, the PROGRAM MANAGER has developed a Construction Management Manual (CMM) for the construction phase of the Infrastructure Improvement Program. This CMM augments the general program guidelines established in the Project Work Plan (PWP), as provided to the CONSULTANT by the PROGRAM MANAGER at the commencement of the Project, and provides uniform procedures and guidelines for managing the interface between the CITY, Contractor, PROGRAM MANAGER and CONSULTANT staffs.

It is anticipated that the construction timeframe will be approximate 24 months.

**Task 4.1 – Pre-Construction Conferences:** The CONSULTANT shall attend one pre-construction conference for each Project. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties. At this meeting, it is anticipated that the PROGRAM MANAGER will issue a Limited Notice to Proceed. A final Notice to Proceed shall be issued upon receipt of a final schedule and procurement of all applicable construction permits from the Contractor.

**Deliverables:** - Attend and participate in one pre-construction conference for each project

**Schedule:** - As scheduled by PROGRAM MANAGER after receipt of Task 4 Notice to Proceed.

**Task 4.2 – Weekly Construction Meetings:** The CONSULTANT shall attend weekly construction meetings with the Contractor, PROGRAM MANAGER and applicable CITY representatives on each Project. The purpose of these meetings shall be to review the status of construction progress, shop drawing submittals and contract document clarifications and interpretations. In addition, the Contractor shall furnish a two-week look ahead work schedule to allow for proper coordination of necessary work efforts. These meetings shall also serve as a forum for discussion of construction issues, potential changes / conflicts and any other applicable matters. The meetings may include site visits to visually observe / address construction related concerns. The site visits shall be separate and distinct from the “Specialty Site Visits” discussed under Task 4.6. The PROGRAM MANAGER will prepare and distribute meeting minutes to all attendees and other appropriate parties.

**Deliverables:** - Attend and participate in weekly construction progress meetings

**Schedule:** - Weekly throughout the project duration.

**Task 4.3 – Requests for Information / Contract Document Clarification (RFIs / CDCs):** The PROGRAM MANAGER will receive, log and process all RFIs / CDCs. Whenever an RFI involves the interpretation of design issues or design intent, the PROGRAM MANAGER will forward the RFI to the CONSULTANT, who shall prepare a written response in a timely matter and return it to the PROGRAM MANAGER. In addition, the CONSULTANT may be requested by the PROGRAM MANAGER to prepare and forward CDCs should certain items within the contract documents require clarification.

**Deliverables:** - - Respond to those RFI's that involve design interpretations and return to PROGRAM MANAGER's office. Issue CDCs as required.

**Schedule:** - Ongoing throughout project construction duration.

**Task 4.4 – Requests for Changes to Construction Cost and/or Schedule:** The PROGRAM MANAGER will receive, log and evaluate all requests for project cost and/or schedule changes from the Contractor. Such requests may be the result of unforeseen conditions, interferences identified by the Contractor during the routine progress of work, inadvertent omissions (betterment) issues in the contract documents, permitting requirements that arise after the

contract award, and/or additional improvements requested by the CITY. Regardless of the source, the PROGRAM MANAGER will evaluate the merit of the request, as well as a cursory review of the potential impact of the change in terms of project cost and schedule. The PROGRAM MANAGER may also review the request with the CONSULTANT, who shall provide a written opinion as to the merit / value, upon request. It is understood that no legal claims assistance or support services are inferred by the work effort noted under this Task.

- Deliverables:**
- Perform independent review of request for cost increase and/or time extension.
  - Coordinate and participate in meetings, as required, with the PROGRAM MANAGER, CITY and Contractor to resolve and/or negotiate the equitable resolution of request. Provide written opinion and / or recommendation upon request.
  - Prepare change order documentation in CITY directed format

- Schedule:**
- Ongoing throughout project construction.

**Task 4.5 – Processing of Shop Drawings:** The PROGRAM MANAGER will receive, log, and distribute shop drawings to the CONSULTANT for its review. The CONSULTANT shall have 14 calendar days from the time of receipt in its office, to review and return shop drawings to the PROGRAM MANAGER's office.

- Deliverables:**
- Review Shop Drawings and return them to PROGRAM MANAGER's office.

- Schedule:**
- Ongoing throughout project construction duration.

**Task 4.6 – Field Observation Services:** The PROGRAM MANAGER will provide field staff to observe the construction of the work. The CONSULTANT shall provide specialty site visits by various design disciplines (civil, mechanical, landscaping, etc...) on an as requested basis. For the purposes of this scope of services, it is assumed that monthly specialty site visits are included. Specialty site visits are assumed to include one or more of the CONSULTANTs Team attendance, as may be requested by the CITY, to review, discuss, resolve field conditions and issues at the job site. Attendance shall be as requested, although a minimum of 24 hour notice

will be provided when possible. In cases where conditions require immediate action, the CONSULTANT shall make itself available in the field, as soon as possible, to review / respond to necessary issues.

**Deliverables:** - Provide monthly specialty site visits

**Schedule:** - Ongoing throughout project construction duration.

**Task 4.7 – Project Closeout:** Upon receiving notice from the PROGRAM MANAGER advising the CONSULTANT that a Project is substantially complete, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall conduct an overview of the Project. The overview shall include development of a “punch list” of items needing completion or correction prior to consideration of final acceptance. The PROGRAM MANAGER will develop the list with assistance from the CITY and the CONSULTANT. The list shall be forwarded to the Contractor. For the purposes of this Task, please note that substantial completion shall be deemed to be the stage in construction of the Project where the Project can be utilized for the purposes for which it was intended, and where minor items may not be fully completed, but all items that affect the operational integrity and function of the Project are capable of continuous use.

Upon notification from the PROGRAM MANAGER that all remaining “punch list” items have been resolved, the CONSULTANT, in conjunction with appropriate CITY and PROGRAM MANAGER staff, shall perform a final review of the finished Project. Based on successful completion of all outstanding work items by the Contractor, the CONSULTANT shall assist in closing out the construction contract. This shall include a final punch list walk throughs for verification of completion

**Deliverables:** Attend field meetings to review substantial and final completion and assist in development of “punch lists”.

**Schedule:** - At the Substantial and Final completion of each project

**TASK 5 – ADDITIONAL SERVICES** – None at this time.

**TASK 6 - REIMBURSABLES**

**Task 6.1 – Reproduction Services:** The CONSULTANT shall be reimbursed at the usual and customary rate for reproduction of reports, contract documents and miscellaneous items, as may be requested by the CITY. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.2 – Travel and Subsistence:** The CONSULTANT shall be reimbursed at the United States Internal Revenue Service established rate for travel and subsistence, up to the maximum not-to-exceed amount as noted. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.3 – Surveying:** The CONSULTANT shall arrange for and coordinate the efforts of licensed surveyors to prepare a topographical survey of all CITY public rights-of-way within the project limits to meet the intent of the approved project Scope. This effort shall meet the requirements set forth in Task 2.1. Unused amounts in this allowance shall be credited back to the CITY at the completion of the project.

**Task 6.4 - Geotechnical Evaluation:** The CONSULTANT shall contract the services of a professionally licensed geotechnical firm to perform boring / test excavations as necessary to ascertain soil conditions, in an effort to identify existing conditions for pipe bedding and stormwater management considerations. The scope of such services shall be subject to review and acceptance by the CITY. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

**Task 6.5 – Underground Utility Verification:** The CONSULTANT shall contract the services of an underground utility location service to perform vacuum extraction excavations, in an effort to better identify existing underground conditions where work is to be performed. Actual locations shall be as directed by the CONSULTANT, subject to CITY review and acceptance. Costs shall be limited to a not-to-exceed amount. Unused amounts shall be credited back to the CITY at the completion of the project.

## **Minimum Design Features to Be Shown On Drawings**

The CONSULTANT shall note that the following criteria indicate the minimum design standards to be shown on drawings. The CONSULTANT is encouraged to review and recommend changes as it deems necessary, subject to the review and acceptance of the CITY and the PROGRAM MANAGER.

### *Paving, Grading and Drainage Plans*

- Show existing grade / topography, centerline roadway, edge of pavement, back of sidewalk, top of curb, gutter flow line
- Show proposed grade along the centerline of the road at 50 centers, limits of road work, inlets, curb and gutter and sidewalk
- Show limits of demolition / removal
- Show limits of proposed work
- Identify all surface features of all existing and proposed work
- Identify driveway locations
- Identify proposed structures
- Identify linear footage of pipe, pipe invert elevation, diameter and material

### *Paving, Grading and Drainage Details*

- Show proposed cross sections with topographical information at key locations
- Identify the following minimum information on cross sections:
  - Existing utilities
  - Proposed road slope, lane width, sidewalk width and surface features within the right-of-way
  - Road construction details for the sub-base and base and asphalt
  - Proposed utility locations
- Conflict manhole detail
- Manhole details
- Driveway replacement section
- Catch basin details
- Exfiltration trench details
- Drainage pipe trench detail
- Restoration Details – All pipes
  - Roadway
  - Sidewalk
  - Curb and gutter



## *Water Distribution and Sanitary Sewer Plans*

### *General*

- Identify existing utilities
- Show future utilities proposed by others
- Identify trees / landscaping to remain in place

### *Sanitary Sewer*

- Manhole details
- Connection to existing manholes (pre-cast / brick)
- Connection to existing service laterals and mainline
- Show sanitary sewer manhole / flow direction
- Show sanitary sewer (single service)
- Show sanitary sewer (double service)
- Show sanitary sewer pipe diameter, linear feet, material and slope along pipe length
- Show rim and pipe invert elevations on sanitary sewer manholes
- Indicate sanitary sewer (existing / proposed) clean out locations
- Indicate sanitary sewer service invert elevation at the right-of-way for new services

### *Sanitary Sewer Profiles*

- Identify sanitary sewer manhole number, rim elevation, invert elevations of incoming and outgoing pipes
- Show sanitary sewer pipe diameter, linear footage and slope
- Show existing utilities, diameter, type and invert of pipe elevation

### *Water Distribution System*

- Show location of single and double water meter boxes
- Identify fire hydrant assembly
- Identify fitting locations
- Identify limits of restrained joints
- Identify deflection limits
- Identify water sampling points
- Identify dead end blow-offs

- Identify air release valves
- Identify pipe diameter and material
- Stationing

#### *Pressure Pipe Profiles*

- Show top of pipe elevation
- Identify location of air release valve at high points
- Identify vertical / horizontal deflection and/or fittings
- Identify minimum cover requirements
- Provide details of major utility crossings
  - Jack and bore
  - Horizontal directional drilling
  - Subaqueous crossing
  - Aerial crossing
  - Culvert crossing

**SCHEDULE B**  
**CITY OF MIAMI BEACH**  
**RIGHT OF WAY INFRASTRUCTURE PROGRAM A-E CONSULTANT FEE SCHEDULE**  
**NORTH SHORE R-O-W IMPROVEMENTS**

TASK NO.	TASK DESCRIPTION	PROJECT DIRECTOR	PROJECT MANAGER	SR. ENGINEER	ENGINEER	ENGINEER	STAFF ENGINEER	DESIGNER	DRAFTER	CLERICAL	TOTAL HOURS	TOTAL COST
<b>1</b>	<b>PLANNING SERVICES</b>											
1.1	ENGINEERING REVIEW OF CONSTRUCTION COST	8	16	24	0	0	0	100	0	15	163	\$ 14,417.45
1.2	LANDSCAPE REVIEW OF CONSTRUCTION COST	8	16	24	0	0	0	100	0	0	148	\$ 13,774.40
	<b>TOTAL PLANNING PHASE</b>										311	\$ 28,191.85
<b>2</b>	<b>DESIGN SERVICES</b>											
<b>2.1</b>	<b>DESIGN SERVICES - Engineering</b>											
2.1.1	FIELD VERIFICATION OF EXISTING CONDITIONS	16	48	48	48	0	0	0	0	0	160	\$ 18,434.08
2.1.2	DETAILED DESIGN	16	200	200	300	400	400	480	1,100	80	2,776	\$ 210,554.36
2.1.3	DESIGN / CONSTRUCTABILITY REVIEW	16	80	80	40	40	40	40	40	40	376	\$ 35,410.56
2.1.4	COST OPINIONS	10	80	80	80	40	40	40	80	40	450	\$ 40,436.90
2.1.5	COMMUNITY DESIGN REVIEW MEETINGS	16	40	40	40	40	40	40	40	10	266	\$ 24,564.46
2.1.6	DOCUMENT REVISIONS	10	40	40	40	40	40	40	80	16	386	\$ 32,248.82
2.1.7	PERMITTING REVIEWS	16	80	80	80	80	80	60	80	80	556	\$ 47,649.76
2.1.8	CONSULTANT'S QA/QC OF DESIGN DOCUMENTS	40	40	40	20	20	20	20	20	40	240	\$ 23,535.80
<b>2.2</b>	<b>DESIGN SERVICES - Landscape</b>											
2.2.1	FIELD VERIFICATION OF EXISTING CONDITIONS	8	20	20	55	0	0	20	0	0	123	\$ 12,716.28
2.2.2	DETAILED DESIGN	16	80	80	120	240	240	240	0	20	796	\$ 70,435.16
2.2.3	DESIGN / CONSTRUCTABILITY REVIEW	16	40	40	65	40	40	40	0	40	321	\$ 28,953.16
2.2.4	COST OPINIONS	8	20	15	40	65	65	40	0	15	203	\$ 17,849.88
2.2.5	COMMUNITY DESIGN REVIEW MEETINGS	16	20	40	30	0	0	0	0	0	106	\$ 12,271.56
2.2.6	DOCUMENT REVISIONS	8	20	10	25	75	75	20	0	10	168	\$ 14,870.38
2.2.7	PERMITTING REVIEWS	16	40	10	15	40	40	20	0	8	149	\$ 15,042.02
2.2.8	CONSULTANT'S QA/QC OF DESIGN DOCUMENTS	40	20	20	40	40	40	20	0	24	204	\$ 20,320.48
	<b>TOTAL DESIGN PHASE</b>										7280	\$ 625,293.66
<b>3</b>	<b>BIDDING AND AWARD SERVICES</b>											
3.1	CONSTRUCTION CONTRACT DOCUMENT REVIEW	4	24	0	0	0	0	0	0	0	28	\$ 3,708.28
3.2	BID DOCUMENT DELIVERY	4	8	0	0	0	0	0	0	120	132	\$ 6,794.92
3.3	PRE-BID CONFERENCE AND BID OPENING	2	8	0	0	0	0	0	0	4	14	\$ 1,511.18
3.4	APPENDIX ISSUANCE	2	16	0	0	0	0	0	0	24	42	\$ 3,397.46
3.5	BID EVALUATION	4	16	0	0	0	0	0	0	8	28	\$ 3,022.36
3.6	CONTRACT AWARD	4	16	0	0	0	0	0	0	16	36	\$ 3,365.32
3.7	AS-BID CONTRACT DOCUMENTS	4	16	0	0	0	0	0	0	16	36	\$ 3,365.32
	<b>TOTAL BIDDING PHASE</b>										316	\$ 25,164.84
<b>4</b>	<b>CONSTRUCTION ADM. SERVICES</b>											
<b>4.1</b>	<b>CONSTRUCTION ADM. SERVICES - Engineering</b>											
4.1.1	PRE-CONSTRUCTION CONFERENCE	0	0	12	0	4	4	0	0	8	24	\$ 1,967.72
4.1.2	WEEKLY CONSTRUCTION MEETINGS	0	0	460	0	0	0	0	0	80	540	\$ 54,209.00
4.1.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI) / REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	0	40	0	0	0	0	0	24	64	\$ 5,444.48
4.1.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	0	40	0	40	40	0	0	0	80	\$ 7,416.40
4.1.5	PROCESSING OF SHOP DRAWINGS	0	50	15	0	0	0	0	0	20	85	\$ 8,943.75
4.1.6	FIELD OBSERVATION SERVICES	0	0	80	0	1,150	1,150	0	0	0	1,230	\$ 95,104.20
4.1.7	PROJECT CLOSEOUT	0	8	80	0	0	0	0	0	80	168	\$ 13,289.68
<b>4.2</b>	<b>CONSTRUCTION ADM. SERVICES - Landscape</b>											
4.2.1	PRE-CONSTRUCTION CONFERENCE	0	0	0	8	0	0	0	0	0	8	\$ 745.92
4.2.2	WEEKLY CONSTRUCTION MEETINGS	0	0	0	140	0	0	0	0	0	140	\$ 13,053.60
4.2.3	REQUESTS FOR INFORMATION / CONTRACT DOCUMENT CLARIFICATION (RFI) / REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	0	0	40	0	0	0	0	0	40	\$ 3,729.60
4.2.4	REQUESTS FOR CHANGES TO CONSTRUCTION COST AND/OR SCHEDULE	0	0	0	40	0	0	0	0	0	40	\$ 3,729.60
4.2.5	PROCESSING OF SHOP DRAWINGS	0	20	0	40	0	0	0	0	0	60	\$ 6,301.80
4.2.6	FIELD OBSERVATION SERVICES	0	0	0	600	0	0	0	0	0	600	\$ 55,944.00
4.2.7	PROJECT CLOSEOUT	0	8	0	10	0	0	0	0	0	18	\$ 1,961.28
	<b>TOTAL CONSTRUCTION PHASE</b>										3,097	\$ 271,841.03



CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY



**Condensed Title:**

A Resolution amending Resolution No. 2004-25742, setting the dates for the year 2005 Commission Meetings; authorizing a change in the Commission Meeting date from Wednesday, September 7, 2005 to Thursday, September 8, 2005.

**Issue:**

Shall the City Commission authorize a change in the Commission Meeting date?

**Item Summary/Recommendation:**


The first reading public hearings on the proposed operating millage rate and tentative budget for FY 2005/06 cannot be scheduled on those days utilized by Miami-Dade County or the Miami-Dade County School Board for their public hearings. Miami-Dade County is holding their hearings on September 6 and 20, and the Miami-Dade County School Board is holding their hearing on September 7. It is recommended to change the Commission meeting date from Wednesday, September 7, 2005 to Thursday, September 8, 2005.

The Administration recommends approving the resolution.

**Advisory Board Recommendation:**

N/A


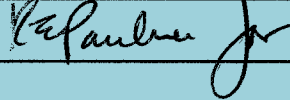
**Financial Information:**

Source of Funds:  Finance Dept.		Amount	Account	Approved
	1			
	2			
	3			
	4			
	Total			

**City Clerk's Office Legislative Tracking:**

Robert Parcher, City Clerk

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
		

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AGENDA ITEM R7I  
DATE 7-27-05

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, AMENDING RESOLUTION NO. 2004-25742, SETTING THE DATES FOR THE YEAR 2005 COMMISSION MEETINGS; AUTHORIZING A CHANGE IN THE COMMISSION MEETING DATE FROM WEDNESDAY, SEPTEMBER 7, 2005 TO THURSDAY, SEPTEMBER 8, 2005.**

### ADMINISTRATION RECOMMENDATION

Adopt the Resolution.

### ANALYSIS

Pursuant to Section 2.04 of the Miami Beach City Charter, "The City Commission shall meet at such times as may be prescribed by ordinance or resolution."

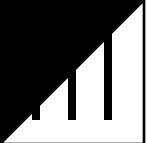
The first reading public hearings on the proposed operating millage rate and tentative budget for FY 2005/06 cannot be scheduled on those days utilized by Miami-Dade County or the Miami-Dade County School Board for their public hearings. Miami-Dade County is holding their hearings on September 6 and 20, and the Miami-Dade County School Board is holding their hearing on September 7. It is recommended to change the Commission meeting date from Wednesday, September 7, 2005 to Thursday, September 8, 2005.

### CONCLUSION

The Administration recommends that the Mayor and City Commission approve change.

JMG/REP

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## **RESOLUTION TO BE SUBMITTED**

**CITY OF MIAMI BEACH  
COMMISSION ITEM SUMMARY**



**Condensed Title:**

A Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, approving and officially adopting the Basis of Design Report (BODR) for the South Pointe Park improvements; authorizing the exercise of the option in Section 6 of the Alaska Parcel Settlement Agreement; and appropriating funds in the amount of \$14,130,000 from the redevelopment Agency to completely fund the Project.

**Issue:**

Shall the City Commission adopt the Resolution which includes the following?

- Approval and adoption of the BODR.
- Approval to enter into Agreement with the Related Group for design and construction of the Park.
- Approval of the approach recommended for the dog park installations and design.
- Appropriation of the total funding for the project in the amount of \$14,130,000.
- Approval of future additional funding for the pier estimated at \$1,500,000.

**Item Summary/Recommendation:**

In 1996, the City adopted a Parks Bond Master Plan that included improvements to South Pointe Park. In 1997, the City entered into an Agreement with Bermello and Ajamil (B&A) for the design improvements to South Pointe Park. In 2002, B&A and the City mutually agreed to remove this scope of work from the agreement with B&A. On July 28, 2004, the City reached a settlement on the Alaska Parcel land use litigation. As part of the Settlement Agreement, the developer is obligated to perform the improvements in the Park, at cost, without overhead, if the City notifies the developer of its concept plan by July 28, 2005. The City would be responsible for reimbursing the developer's cost. If the notification timeline is not met, then the City would need to bid and build the Park according to its standard procedures. Construction by the developer at its cost represents a projected substantial cost and time savings to the City. On January 12, 2005, the City Commission authorized the execution of an Agreement between the City and Hargreaves. Hargreaves' Scope of Services is limited to the Planning Phase of the project. Based on the consensus achieved from community meetings and additional feedback from City staff, Hargreaves submitted for approval the BODR for the South Pointe Park's improvements. The proposed improvements include: redesigned park entrance, pavilion building with a small concession area, restroom facility, pedestrian walkways, playground, dog integrated park area without a fenced enclosure, extensive landscaping, irrigation, and site lighting. Although the improvements to the existing pier at South Pointe Park are not included as part of the current park funding or scope, the consultant was asked to review its condition and to provide an opinion as to its integration to the overall park design. Hargreaves' design recommendation is included in the BODR. Should the City Commission decide to incorporate the pier improvements to the South Pointe Park project, the additional project scope, estimated at \$1,500,000, would be eligible to be funded from the South Pointe RDA TIF Funds. The Administration recommends the approval and adoption of the BODR as presented, the approval to exercise the option in the Alaska Parcel Settlement Agreement to have the developer complete the design and construction of the Project; and the appropriation of \$14,130,000 from the Redevelopment Agency to completely fund the Project, \$5,000,000 of which would be refunded when Miami-Dade County General Obligation Bond Funds become available.

**Advisory Board Recommendation:**

This item was recommended for approval by the General Obligation Bond Oversight Committee at their July 11, 2005 meeting.

**Financial Information:**

Source of Funds:		Amount	Account	Approved
<div style="border: 1px solid black; width: 100px; height: 30px; margin-bottom: 5px;"></div> Finance Dept.	1	\$14,130,000	South Pointe RDA	
	2			
	<b>Total</b>	\$14,130,000	South Pointe RDA	

**City Clerk's Office Legislative Tracking:**

Nury Menicucci, CIP Construction Manager

**Sign-Offs:**

Department Director	Assistant City Manager	City Manager
JECH	TH	JMG

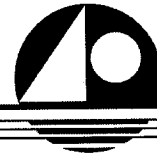
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AGENDA ITEM R7J  
DATE 7-27-05



# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH, FLORIDA 33139  
www.miamibeachfl.gov



## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** **A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AND OFFICIALLY ADOPTING THE BASIS OF DESIGN REPORT (BODR) FOR THE SOUTH POINTE PARK IMPROVEMENTS (THE PROJECT); AUTHORIZING THE ADMINISTRATION TO EXERCISE THE OPTION STATED IN SECTION 6 OF THE SETTLEMENT AGREEMENT FOR THE ALASKA PARCEL WITH THE RELATED GROUP, TO DESIGN AND CONSTRUCT THE PARK PROJECT; AND TO APPROPRIATE FUNDS, IN THE AMOUNT OF \$14,130,000, FROM THE SOUTH POINTE REDEVELOPMENT AGENCY FOR THE COMPLETION OF THE DESIGN AND CONSTRUCTION OF THE PROJECT, \$5,000,000 OF WHICH WILL BE REFUNDED BY MIAMI-DADE COUNTY GENERAL OBLIGATION BOND FUNDS WHEN MADE AVAILABLE.**

### **ADMINISTRATION RECOMMENDATION:**

Adopt the Resolution.

### **FUNDING:**

Although originally funded in part by City General Obligation Bond funds, the South Pointe Park project is currently budgeted to be completely funded from South Pointe RDA Tax Increment Financing (TIF) Funds and Miami-Dade County General Obligation Bond Funds when made available. The following is a breakdown of the Project funds.

RDA	\$7,130,000
County GO Bond (to be refunded to RDA when made available)	\$5,000,000
RDA (City GO Bond reprogrammed to Flamingo Park Project)	\$2,000,000
Total	\$14,130,000

Continuum Settlement (to be determined) and any Cost savings Pursuant to settlement with The Related Group (to be determined) may reduce the RDA funding component.  
RDA Estimated funding for Pier Renovation \$1,500,000

### **ANALYSIS:**

#### **Neighborhood**

South Pointe Park, located within the South Pointe Redevelopment Area (RDA) and South Pointe Neighborhood, is bordered by multi-family high density developments to the North and West, the Atlantic Ocean to the East, and Government Cut to the South.

### **Project Description**

The passive regional park lies at the Southern tip of Miami Beach.

Anticipated Park improvements consist of the following:

- Redesigned park entrance
- New pavilion building, including a small concession area
- New restroom facility
- Pedestrian walkways
- Playground
- A dog integrated park area
- Extensive Landscaping
- Irrigation
- Site lighting

### **BACKGROUND:**

On June 19, 1996, the City adopted a Parks Bond Master Plan that included major improvements to South Pointe Park. On July 16, 1997, the Mayor and City Commission approved a Resolution authorizing the City to enter into an Agreement with Bermello and Ajamil (B&A) for the design of improvements to South Pointe Park. Because a minimal degree of planning of the park improvements was completed by 2002, B&A and the City agreed to remove this scope of work from the agreement with B&A and the City Commission authorized the issuance of a new Request for Qualifications (RFQ) for architecture and engineering services for the design of the park improvements.

Responses to the RFQ were received in 2003, and an Evaluation Committee was appointed to short-list the top ranked firms. At approximately the same time, the City's options for settling the long standing land use litigation related to the Alaska Parcel expanded to include the addition of approximately two acres of land to the South Pointe Park. Exercising this option, the City substantially affected the scope of services for the project outlined in the RFQ. Therefore, the RFQ for architect and engineering services for the park was terminated by the City Commission on February 25, 2004.

On July 28, 2004, the City reached a settlement on the Alaska Parcel land use litigation. As part of the Settlement Agreement (Attached), the developer is obligated to perform the improvements in the Park, at cost, without overhead, if the City notifies the developer of its concept plan by the latter of either July 28, 2005 or two months after a Building permit is issued for the Apogee project. The City would be responsible for reimbursing the developer's cost. If the notification timeline is not met, then the City would need to bid and build the Park according to its standard procedures. Construction by the developer at its cost represents a projected substantial cost and time savings to the City.

On September 8, 2004, the City Commission authorized the issuance of RFQ No. 39-03/04 which included a revised scope of architect and engineering services for the park improvements. Six responses were received. An Evaluation Committee was appointed by

the City Manager to short-list the top ranked firms. Hargreaves Associates, Inc. (Hargreaves) was the top ranked firm.

On January 12, 2005, the City Commission authorized the execution of an Agreement between the City of Miami Beach and Hargreaves for the planning of South Pointe Park Improvements. Hargreaves' Scope of Services is limited to the Planning Phase of the project.

The Consultant's Notice to Proceed was issued on January 18, 2005. Project planning process has followed the standard park improvement project sequence, from project Kickoff meeting to Community Design Workshops (CDW). CDW No. 1 was held on April 7, 2005, where residents were generally supportive of the plans presented. There was a general consensus that the design approach was on track with the community's needs, but the attendees expressed the desire to have the following items further addressed prior to the second CDW:

- Park entrance at Washington Avenue and Ocean Drive
- Dunes appearance / programming
- Parking configuration within the park
- Planting buffer from parking within the park
- Cut-walk at Smith & Wollensky restaurant
- Art / Lighting experience
- Bay Inlet

Input from CDW No. 1 was analyzed and plans were modified, as appropriate, and presented at a second CDW (June 2, 2005). Residents' feedback showed support for the Recommended Plan presented by Hargreaves. The residents were generally supportive of the plan presented and felt that the design needed some minor fine-tuning. The following were some of the issues discussed:

- Possibility of additional park funding
- Possibility to decrease parking
- Possibility to accommodate dogs in the park without having a fenced enclosure
- Possibility of reconfigured outdoor seating for Smith & Wollensky restaurant

Based on the consensus achieved from the aforementioned meetings and additional feedback from City staff, the draft BODR for the South Pointe Park improvements was completed and submitted by Hargreaves on June 27, 2005. The draft BODR was distributed to the relevant City departments for their review and comment. Comments from the relevant City departments have been reviewed and final BODR has been prepared and submitted by Hargreaves.

Because the South Pointe Park project was originally funded in part by General Obligation Bond Funds, the Administration presented draft BODR to the General Obligation Bond Oversight Committee for their support on July 11, 2005. The Park design was well received

by the General Obligation Bond Oversight Committee and the draft BODR was recommended for approval.

The South Pointe Park project has a current construction budget of approximately \$8.8 Million. The recommended scope for improvements in the BODR is currently valued at \$10.2 Million, a \$1.4 Million difference. The project is located within the South Pointe Redevelopment Area (RDA), so the additional funding can be provided from South Pointe RDA Tax Increment Funds (TIF) if the BODR is adopted as recommended.

The settlement Agreement for the Alaska Parcel between the City of Miami Beach and The Related Group (TRG) provides the City exercises the option of negotiating with TRG for the completion of design, construction documents, and construction of the Project at cost without overhead fees provided the Administration completes and obtains approval by the Mayor and City Commission of the BODR within the latter of either twelve months of the date of the Agreement which is dated July 28, 2004 or two months after the issuance of a Building permit for the Apogee project. In addition to the approval of the BODR, the Administration seeks authorization from the Mayor and City Commission to enter into negotiations with TRG for the completion of the design and the construction of the Project as stipulated in the Agreement.

Based on recent conversations between the parties, it is the intent of the Administration to enter in to negotiations that will retain involvement by Hargreaves in the continuing development of the park design while allowing the commissioning of a local architect to work with Hargreaves and TRG to complete the construction documents. TRG will then retain a contractor and provide the City with a Guaranteed Maximum Price which will contain no overhead fees as stipulated in the Agreement. The City will maintain oversight of the Project throughout.

Finally, the City seeks authorization to appropriate the necessary funding, in the amount of \$14,130,000, to complete the design, pricing and construction of the Project. The appropriation will fund the consultant services, the construction, the soft costs related to the City such as the CIP management fees, a Project contingency, and an estimated amount for fixtures, furniture and equipment (FF&E). The following is a breakdown of the project costs.

BODR Budgeted Improvements	\$8,800,000
BODR Proposed Improvements to be funded	\$1,400,000
Consultants Services	\$1,500,000
IT installations	\$ 50,000
FF&E	\$ 50,000
CIP Management fees	\$ 700,000
Contingency	\$1,477,000
AIPP	<u>\$ 153,000</u>
Total	\$14,130,000

Although the improvements to the existing pier at South Pointe Park are not included as part of the current park funding or scope, the Consultant was asked to review its condition and to provide an opinion as to its integration to the overall park design. Hargreaves' design recommendation is included in the BODR. Should the City Commission decide to incorporate the pier improvements to the South Pointe Park project, the additional project scope, with an estimated construction value of \$1,500,000, would be eligible to be funded from the South Pointe RDA TIF Funds in the future but would not be part of the Agreement between the City and TRG.

### **CONCLUSION:**

The Administration recommends approval of the South Pointe Park Basis of Design Report (BODR) as submitted. By approving the BODR, the City will officially end the planning process for this project and adopt the design concept. The Administration also recommends approval for the City to exercise the option of negotiating with TRG for the completion of design, construction documents, and construction of the Project at cost without overhead fees as stated in the Alaska Parcel Settlement Agreement. The Administration also recommends approval to complete the design and renovation of the South Pointe Pier in the future as a separate Project. The Administration finally recommends approval of an appropriation, in the amount of \$14,130,000, for the design and construction of the Park project. The Administration will be able to proceed with the design development, construction documents, bidding and award, and construction phases of the Project with these approvals.

### **Attachments**

T:\AGENDA\2005\Jul2705\Regular\RDA South Pointe Park-07272005-BODRMemo.doc

**ALL SUPPORTING DOCUMENTS ARE INCLUDED WITH THE  
REDEVELOPMENT AGENCY (RDA) ITEM**

## **RESOLUTION TO BE SUBMITTED**

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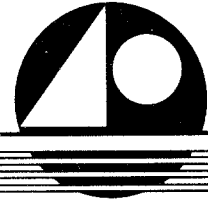


**R9  
New Business  
And  
Comm. Requests**

Page 1 of 1

# CITY OF MIAMI BEACH

CITY HALL 1700 CONVENTION CENTER DRIVE MIAMI BEACH FLORIDA 33139



OFFICE OF THE CITY CLERK

CITY HALL  
1700 CONVENTION CENTER DRIVE  
TELEPHONE: 673-7411

## COMMISSION MEMORANDUM

**To:** Mayor David Dermer and  
Members of the City Commission

**Date:** July 27, 2005

**From:** Jorge M. Gonzalez  
City Manager

**Subject:** BOARD AND COMMITTEES

### BACKGROUND:

Attached are the applicants that have filed with the City Clerk's Office for Board and Committee appointments.

### ADMINISTRATION RECOMMENDATION:

That appointments be made as indicated.

### VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
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Art in Public Places	7	City Commission	1	
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Page 1

Barrier Free Environment Committee	13	Commissioner Luis R. Garcia, Jr.	1	
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Page 2

Beach Preservation Board	10	Commissioner Jose Smith	1	
		Commissioner Richard L. Steinberg	1	

Page 3

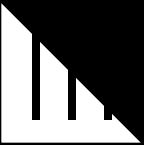
AGENDA ITEM  
DATE

R9A  
7-27-05

## VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Housing Authority	5	Mayor David Dermer	1	Page 22
Marine Authority	7	Commissioner Jose Smith Commissioner Simon Cruz	1 1	Page 24
Miami Beach Commission on Status of Women	21	Commissioner Jose Smith Commissioner Luis R. Garcia, Jr. Commissioner Saul Gross	2 1 2	Page 25
Miami Beach Cultural Arts Council	9	City Commission	1	Page 26
Parks and Recreational Facilities Board	10	Commissioner Jose Smith	1	Page 31
Planning Board	7	City Commission	1	Page 33

AGENDA ITEM \_\_\_\_\_  
DATE \_\_\_\_\_



## VACANCIES

BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Community Development Advisory Committee	14	Commissioner Jose Smith	2	Page 10
		Commissioner Matti H. Bower	1	
		Mayor David Dermer	1	
<hr/>				
Golf Advisory Committee	12	Commissioner Simon Cruz	1	Page 16
<hr/>				
Health Advisory Committee	11	City Commission	1	Page 17
<hr/>				
Health Facilities Authority Board	6	City Commission	2	Page 19
<hr/>				
Hispanic Affairs Committee	7	Commissioner Luis R. Garcia, Jr.	1	Page 20
		Commissioner Matti H. Bower	1	
		Commissioner Simon Cruz	1	
<hr/>				
Historic Preservation Board	7	City Commission	1	Page 21
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AGENDA ITEM \_\_\_\_\_  
DATE \_\_\_\_\_

## VACANCIES

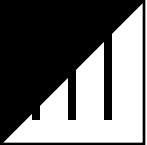
BOARD OR COMMITTEE:	TOTAL MBRS.	APPOINTED BY:	TOTAL VAC.	PAGE
Police Citizens Relations Committee	17	Commissioner Jose Smith	1	
		Commissioner Luis R. Garcia, Jr.	1	
				Page 35
Public Safety Advisory Committee	7	Commissioner Jose Smith	1	
		Commissioner Saul Gross	1	
		Commissioner Simon Cruz	1	
				Page 38
Safety Committee	14	Commissioner Luis R. Garcia, Jr.	2	
		Commissioner Simon Cruz	1	
		Mayor David Dermer	1	
				Page 39
Transportation and Parking Committee	19	Mayor David Dermer	1	
				Page 40

Attached is breakdown by Commissioner or City Commission:

  
JMG:REP/lg

# City Commission Committees

Committee	Position	First Name	Appointed by	Appointed
<b>Finance &amp; Citywide Projects Committee</b>				
	Liaison	Patricia Walker	Mayor Dermer	11/25/03
	Alternate	Commissioner Simon Cruz	Mayor Dermer	11/25/03
	Vice-Chair	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
<b>Land Use &amp; Development Committee</b>				
	Liaison	Jorge Gomez	Mayor Dermer	11/25/03
	Alternate	Commissioner Jose Smith	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03
	Chairperson	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
<b>Neighborhood/Community Affairs Committee</b>				
	Liaison	Vivian Guzman	Mayor Dermer	11/25/03
	Alternate	Commissioner Luis R. Garcia	Mayor Dermer	11/25/03
	Member	Commissioner Richard L. Steinberg	Mayor Dermer	11/25/03
	Chairperson	Commissioner Matti Herrera Bower	Mayor Dermer	11/25/03
	Member	Commissioner Saul Gross	Mayor Dermer	11/25/03



## **NON-CITY COMMISSION COMMITTEES**

### **Commissioner Matti Herrera Bower**

- Miami Beach Transportation Management Association (TMA)
- Dade Cultural Alliance
- Tourist Development Council
- Performing Arts Center Trust (PACT)

### **Commissioner Luis R. Garcia, Jr.**

- Unclassified Employees and Elected Officials Retirement System
- Greater Miami Convention and Visitors Bureau

### **Commissioner Jose Smith**

- Metropolitan Planning Organization

### **Commissioner Richard L. Steinberg**

- Miami-Dade County Homeless Trust Board - Appointed by Miami-Dade League of Cities
- Miami-Dade League of Cities



**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
COMMISSIONER**

**DATE: JULY 22, 2005**

**RE: AGENDA ITEM**

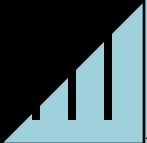
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Please place on the July 27<sup>th</sup> Commission agenda to nominate Mr. Jorge Kuperman to serve on the Planning Board.

Thank you.

Agenda Item R9A1  
Date 7-27-05





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**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO:** JORGE GONZALEZ  
CITY MANAGER

**FROM:** RICHARD STEINBERG *RLS/dm*  
COMMISSIONER

**DATE:** June 27, 2005

**RE:** July 27<sup>th</sup> Commission Meeting Item – Report by Peter Dolara,  
Senior Vice President, Miami, Caribbean and Latin America,  
American Airlines

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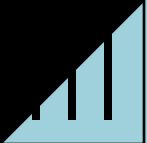
Please place an item for discussion on the July 27<sup>th</sup> Commission Agenda regarding the on-going efforts by American Airlines to enhance the volume of visitors to Miami Beach and the rest of the destination.

My office will be requesting a time certain for 10:45 am. If you have any questions, please feel free to contact my Aide, Ms. Dolores Mejia, at extension 6834.

RLS/dm

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CITY MANAGERS OFFICE  
BY \_\_\_\_\_

Agenda Item R9B  
Date 7-27-05




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**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** JORGE M. GONZALEZ  
CITY MANAGER

**FROM:** MATTI H. BOWER  
COMMISSIONER 

**DATE:** 7-15-05

**RE:** Agenda Item-Discussion regarding Castle Beach

Please place on the June 27, 2005 Commission Meeting Agenda a discussion item regarding Castle Beach. I am requesting a time certain of 5:30 pm.

I thank you in advance for your cooperation in this matter, if you have any questions please do not hesitate in contacting my offices at x7107.

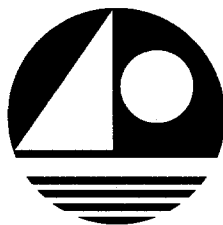
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Agenda Item R9C  
Date 7-27-05

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Tim  
RCM  
Lillian



**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
COMMISSIONER**

A handwritten signature in black ink, appearing to read "Luis R. Garcia Jr.", written over the printed name of the Commissioner.

**DATE: July 15, 2005**

**RE: AGENDA ITEM**

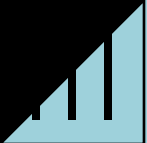
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Please provide a status report of Fire Department Yearly Inspection of condominiums and other commercial and multi family buildings for the last Three (3) years for discussion on the July 27, 2005 Commission Agenda.

I am specifically requesting that buildings that have not been inspected on a regular basis be identified.

Thank you.

Agenda Item R9D  
Date 7-27-05



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**CITY OF MIAMI BEACH  
OFFICE OF THE MAYOR & COMMISSION  
MEMORANDUM**

**TO: JORGE M. GONZALEZ  
CITY MANAGER**

**FROM: LUIS R. GARCIA JR.  
COMMISSIONER**

**DATE: JULY 22, 2005**

**RE: AGENDA ITEM**

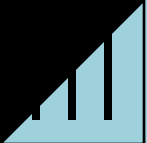
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Please place as a discussion item on the July 27<sup>th</sup> Commission agenda the realignment of the Miami Beach cable channels.

Thank you.

Agenda Item R9E  
Date 7-27-05





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**CITY OF MIAMI BEACH**  
**OFFICE OF THE MAYOR & COMMISSION**  
**MEMORANDUM**

**TO:** MAYOR AND COMMISSIONERS

**CC:** JORGE GONZALEZ  
CITY MANAGER

**FROM:** MATTI H. BOWER  
COMMISSIONER

A handwritten signature in dark ink, appearing to read "MHB", written over the printed name of the Commissioner.

**DATE:** July 7, 2005

**RE:** For Your Information-Provided by the Performing Arts Center Trust

Attached please find the minutes of the May 10, 2005 PACT Board Meeting and the agenda for the July 12, 2005 Meeting.

MB/lw

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2005 JUL -7 PM 4:34  
CITY MANAGER'S OFFICE  
BY \_\_\_\_\_

Agenda Item AI  
Date 7-27-05

Minutes of the Board  
Miami Performing Arts Center Trust  
May 10, 2005  
TEMPLE ISRAEL of GREATER MIAMI  
137 NORTHEAST 19TH STREET  
THE KAHN ROOM  
8:30 AM

**IN ATTENDANCE:**

Matilde Aguirre  
Stanley Arkin  
Bill Armstrong  
Ricky Arriola  
Matti Herrera-Bower  
Oscar Braynon II  
Sonia Burini  
T. Willard Fair  
Ruth Greenfield  
Stanley Levine  
Antonio Roca  
Mario Ernesto Sanchez  
Parker Thomson  
Penny Thurer  
Judy Weiser

**ABSENT:**

Stu Blumberg  
Roger Carlton  
James Herron  
Robert Ingram  
Susie Krajsa  
Jay Pons  
Rosa Sugrañes  
Marco Rubio  
David Wilson  
Velia Yedra

**In Attendance - PACT**

Michael Hardy  
Yadira Boada  
Gail Eaton  
Elaiza Irizarry  
Judy Litt  
Justin Macdonnell  
Luis Palomares  
Teresa Randolph  
Valerie Riles-Robinson  
Richard Walker

**PACMO**

Ron Austin  
Ola Aluko  
Jesus Sanchez  
Jesus Vasquez

**OTHERS IN ATTENDANCE**

Adrianne Arsht – PACF Board Member  
Woody Weiser – PACF Board Chairman  
Roberto Espejo – Cesar Pelli & Assoc.  
Suzy Valentine – Miami Today  
John Poland, Clear Channel  
Ann McNeal, MCO  
Michael Spring – Cultural Affairs  
Gary Shaw -- RCA  
Charmille Walters – Intercultural Dance  
and Music Institute  
Pat Coll – IATSE  
Tom Coll - IATSE



The meeting was called to order by Parker Thomson, Chairman of the Board.

### **New Board Members**

Parker Thomson introduced Bill Armstrong, a new Board member appointed by Commissioner Dennis Moss. Mr. Armstrong is the owner of Armstrong Toyota and Armstrong Ford of Homestead. He presently serves on the Executive Board of the Miami Music Fest, Job for Miami, Ford-Lincoln-Mercury Minority Dealers Association and the Broward Employment and Training Administration Work Force One.

Mr. Thomson formally welcomed new Board member Oscar Braynon II who was appointed by Commissioner Barbara Jordan. Mr. Braynon is a City of Miami Gardens Councilman and has served as a public relations coordinator of the North Dade Community; Executive Director of 'Arrive with Five' State Voting Campaign and as a City of Miami Summer Youth Employment counselor.

### **PRESIDENT'S REPORT**

Michael Hardy reported that the Opening Gala Committee is interviewing potential producers. Michael Spring, Director of the Department of Miami-Dade Cultural Affairs, will be added to the Committee.

Several weeks ago, the Center issued an invitation to Miami-Dade County artists to submit proposals for creating new works. Approximately 58 proposals were received and staff is considering ten proposals from the 58 for funding.

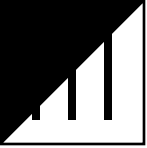
A Facility Operations Department has been created. Jarret Haynes, currently the Associate Director of Facility Operations at Lincoln Center, will head the department. Mr. Haynes will join the Trust staff on July 5.

Javier Soto has been retained as a consultant by the Trust to resolve parking and urban development issues. His contract begins on May 16, 2005.

The Miami Performing Arts Center has entered a 10 year agreement with the Cleveland Orchestra. An announcement appeared in the Miami Herald and The New York Times.

MPAC staff, working in conjunction with the Resident Companies, has completed the 2007-2008 and 2008-2009 season schedules for the Ballet Opera House. The Management Committee will review the schedules for approval at their next meeting. The Concert Hall schedules for the same seasons are expected to be finalized by the end of the summer.

Michael Hardy informed the members that he and Parker Thomson attended the Performing Arts Center Consortium conference in Ottawa. The conference dealt with Board governance issues. Dr. Hardy suggested that the Board revisit the idea of scheduling a retreat.



Woody Weiser addressed the members of the Board on behalf of the Foundation, and reported that \$25 million dollars remains to be raised. The Foundation is currently involved in negotiations for a \$20 million naming gift.

### **Policies**

Stanley Arkin made a motion to approve the Booking Policy. The motion was seconded by T. Willard Fair and the motion passed unanimously.

T. Willard Fair made a motion to approve the modifications to Exhibit A of the management agreement with the Miami-County. Ricky Arriola seconded the motion and it passed unanimously. The modified language will allow the Center to consider conference rental requests beyond the five year schedule for the BOH, and the two year schedule for the Concert Hall, pending agreement from the Resident Companies.

Stanley Arkin made a motion to accept the Arts Partners policy which addresses criteria for new companies that want to be considered as Resident Companies. T. Willard Fair seconded the motion and it passed unanimously.

Stanley Levine made a motion to approve the Procurement Policy. The policy defines the process the Center must use to procure materials and/or services. Stanley Arkin seconded the motion and it passed unanimously.

Antonio Roca made a motion to approve resolutions thanking former Board members Betsy Kaplan, Elizabeth Johnston Dixon, Denise Mincey Mills and Richard Shack for their years of service and dedication. Ricky Arriola seconded the motion and it passed unanimously.

Mr. Thomson informed the members of the Board that the Omissions and FF&E budget of \$10.5 million was approved by Miami-Dade County's Finance Committee and will go before the Board of County Commissioners for approval on May 17. The requested operating funds of \$5.4 million will be part of the County Manager's June budget recommendations. Final approval of the annual budget by the Board of County Commissioners is scheduled for September 2005. The requested funding will enable PACT to meet financial obligations through opening.

### **Contruction Committee Report**

Stanley Arkin reported that construction is approximately 80% complete and over 600 construction workers are working on the project. The mock up rooms, which include actual finishes to be utilized in the theaters, are complete. Mr. Arkin invited the Board to attend the next Construction Committee meeting in June and participate in the tour.

Ola Aluko, Chief of Construction of PACMO, presented a construction update via PowerPoint.

### **Request for Excused Absences**

Teresa Randolph requested retroactive excused absences for the March 8, 2005, meeting for Mario Ernesto Sanchez who was out of town. May 10, 2005 requests for excused absences were as follows:

Juan Loumiet - illness.  
James Herron – out of town  
Evelyn Greer – out of town  
Robert Ingram – out of town  
Susie Krajsa – out of town

Matti Herrera-Bower made a motion to approve the request for excused absences.  
Ricky Arriola seconded the motion. The motion carried.

A motion to approve the minutes of the March 8, 2005, meeting was made by Nancy Liebman and seconded by Matti Herrera-Bower. The motion carried.

#### **Urban Development Committee Report**

Antonio Roca reported that the wayfinding signage report has been accepted by the Committee. The Committee is also looking into the feasibility of constructing a roundabout at the intersection of Biscayne Boulevard and NE 13<sup>th</sup> Street.

Parker Thomson informed the members that the CRA has committed \$500 thousand towards a streetscape infrastructure pilot project. At the last Urban Development Committee meeting, Frank Rollason, Executive Director of the CRA, emphasized the importance of obtaining the plans quickly in order to complete the work before the Center's opening.

#### **Cultural Affairs Presentation Report**

Michael Spring reported on several issues as follows:

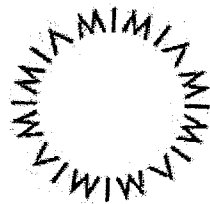
- A ribbon cutting ceremony took place at Hialeah High School Auditorium which will serve as another neighborhood cultural facility in Hialeah. The Auditorium has been completely renovated and will serve both the high school students and several community cultural groups.
- The Playground Theater, a brand new theater devoted to producing works for children, inaugurated their season this year at the Byron Carlyle Theater in North Beach (Miami Beach).
- Master planning has begun for Museum Park, the new site for the Miami Art Museum and the new Miami Museum of Science.
- On April 22, 2005, Rosa Sugrañes, Chairman of the Board of Cultural Affairs Council, delivered the 10<sup>th</sup> annual State of the Arts address.

#### **Other Business**

Mario Ernesto Sanchez informed Board members that the International Hispanic Theater Festival will be held from June 2<sup>nd</sup> through the 26<sup>th</sup>. The festival will include productions representing 11 countries, including Denmark.

Meeting adjourned at 9:44 a.m.

Reported by  
Yadira E. Boada  
Assistant to the President/CEO



MIAMI PERFORMING ARTS CENTER

AGENDA

PACT BOARD MEETING

Tuesday, July 12, 2005

Temple Israel

137 Northeast 19 Street

8:30 AM

- I. Request for Excused Absences
- II. Approval of Minutes
- III. President's Report, Michael C. Hardy, PACT President & CEO
- IV. PACT Committee Reports
  - A. Executive Committee
  - B. Construction Committee
  - C. Urban Development Committee
- V. Reports
  - A. Department of Cultural Affairs
  - B. PACT Board Members
- VI. Other Business
  - A. Board Retreat